

RAILROAD AND MARITIME SECURITY

HEARING
BEFORE THE
SUBCOMMITTEE ON SURFACE TRANSPORTATION
AND MERCHANT MARINE
OF THE
COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE
ONE HUNDRED SEVENTH CONGRESS
FIRST SESSION

OCTOBER 2, 2001

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ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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RAILROAD AND MARITIME SECURITY

TUESDAY, OCTOBER 2, 2001

U.S. SENATE,
SUBCOMMITTEE ON SURFACE TRANSPORTATION AND
MERCHANT MARINE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:15 a.m. in room SR-253, Russell Senate Office Building, Hon. John B. Breaux, Chairman of the Subcommittee, presiding.

OPENING STATEMENT OF HON. JOHN BREAUX, U.S. SENATOR FROM LOUISIANA

Senator BREAUX. The Subcommittee will please come to order. We thank all of our witnesses who will be appearing, and also our guests who are here this morning. We will be joined shortly by some of our Ranking Members on the Republican side who have a great interest in this matter as well.

I have called the hearing this morning to focus on what is being done to maintain an increased security on our nation's railroads and also ships. What we are not doing is holding this hearing in any way to scare the public or overly alarm the public as to any potential risk. However, in the aftermath of the September 11 terrorist attacks we need to explore what steps our Government and also the private sector are taking and have taken to prevent future acts of terrorism and to explore what further steps can be taken in order to better protect the public.

If any of our witnesses that we have appearing with us this morning feel that line of questioning in any way jeopardizes any aspects of security that do not need to be made public, I would certainly like for them to indicate so and to refrain from public comment.

I also would like to announce hearings which we will be scheduling, have scheduled and have approved now on October 10 at 9:30 in the morning for this Subcommittee to also look at the security of bus and truck operations in the United States. A great deal of attention, obviously, has been focused in the news on the transportation in particular of hazardous materials, much of which runs also by trucks, and that needs to be looked at, and we will be doing that on October 10.

I will abbreviate the rest of my opening statement and just point out that about one-third of terrorist attacks around the world reportedly target transportation and transportation systems, so obvi-

ously this is an area that has to be given a great deal more security than perhaps we have done in the past.

Securing the safety of passengers in these modes of transportation is a key goal that we all share. Amtrak, for example, provided passenger service for more than 22.5 million passengers just last year. Also, the question of cargo that is shipped both by rail and by ship is very essential to this nation's internal and national security, and needs to be considered.

The United States has over 1,000 harbor channels, 25,000 miles of inland intracoastal and coastal waterways which serve over 300 ports around this country, with more than 3,700 terminals that handle both passenger as well as cargo movement. All of these, I think, today are being looked at with a great deal more security than perhaps they were before September 11. Most of our seaports, obviously are located in major urbanized areas, and obviously present in that sense special problems and special concerns.

We do not bring up, as I said before, these issues lightly, but also we do not intend to infer that our transportation system, and particularly rail and passenger ships, are not secure and are not safe. The intent of the hearing is to find out what we have and are currently doing, and the prospects for additional and better security in the future.

With that, do I have any comments from any of our colleagues? If not, we would like to welcome our first witness—excuse me, Senator Kerry.

**STATEMENT OF HON. JOHN F. KERRY,
U.S. SENATOR FROM MASSACHUSETTS**

Senator KERRY. I cannot stay that long. I wanted to make a couple of comments, if I can, just very quickly.

First of all, I want to thank you for proceeding on this hearing. We had a discussion about this a couple of weeks ago, and I think it is critical look at these areas. An awful lot of people have commented that as we beef up our airports, which we need to do, there are clearly other pressure points where potential mischief becomes more attractive, and so we need to deal with that, but I wanted to just comment on a couple of things.

For a long time now, some of us have been focused, through the narcotics trafficking, on the question of ports and port inspection and cooperation from foreign countries. There have been some discussions, I know, in Singapore recently about port security. The prime minister was here. One of the main topics of discussion was how we are going to look at things before they come into the United States, because of the difficulties of inspecting once packed containerized and so forth, and the obviously better place is their point of departure. I think, Admiral, we would welcome your comments and thoughts how we may engage in this new global effort to try to be smarter about inspecting.

It is not just terrorism, it is also narcotics trafficking, and frankly evasion of other kind of market rules by which we are supposed to play.

Mr. Chairman, we need to also recognize that, I think it was a fellow at the Foreign Relations Committee, Coast Guard Commander Flynn, who wrote an article in the New York Times last

week about how trying to get some of this stuff is like trying to catch a minnow at the base of Niagara Falls, it is an extraordinarily difficult task, and in fact airline security is like Fort Knox compared to the security on trains and other modes of transportation today, so it is particularly important that we focus on how we make tunnels safe. What is the traffic situation going to be like on Amtrak? Amtrak, to our pleasure, has had an enormous ridership increase, 10 percent increase in the wake of the September 11 attacks on the Accela Express, which prior to September 11 was capturing about 42 percent of the New York-Washington business. Reservations are up 40 percent, and as a result of this Amtrak has added 608 seats during the peak periods on the Northeast Corridor.

But Mr. Chairman, it should not escape the notice of this Committee that Amtrak's ridership in the West is up 8 percent, and business on long haul trains is 15 percent greater than normal, and these figures indicate that passenger rail safety and security needs to be a priority for the members of this Committee, which is the vast majority of this Committee—the Northeast is not.

Amtrak is seeking an additional \$3 billion in funding for much-needed security and safety improvements, and I support that, and I hope we can get them that, but they need also to have additional concerns addressed by this Committee with respect to the other security issues.

And finally, Mr. Chairman, I would like to thank the Coast Guard for their help in activating the 307th Port Security Unit at St. Petersburg and sending the 147-man unit to augment the security of Boston Harbor. That is one of only six reserve port security units nation-wide, and on 1 day's notice they got their Boston Whaler patrol boats hauled from Florida on flatbed trucks launched in Boston, available for 24-hour coverage, and that raises an issue of concern to us in Boston.

There have been no weekly shipments of liquid national gas to Boston since September 11, and nearly 20 percent of the natural gas needs of New England and the Port of Boston come in via double-hulled tankers. We would not, if we chose to build a facility today, build it where it is, in Everett, near housing, but I think we can provide adequate security. I am grateful to the Coast Guard for the meetings we have had to do that. The Governor has said it is not a question of if they will come in, it is a question of when, and I want to commend the Coast Guard for their efforts in pulling together a broad coalition of people to help analyze the situation, to move forward on it, and we are very grateful to you for doing that.

Thank you, Mr. Chairman.

Senator BREAUX. I would just comment on the Senator's statement. The LNG tanker that was going to Boston was actually diverted to Louisiana. It was, I think 33 million gallons of LNG that was for your area was diverted because of security questions.

We have been joined by our distinguished chairman of the full Committee, if he has any comments.

**STATEMENT OF HON. ERNEST F. HOLLINGS,
U.S. SENATOR FROM SOUTH CAROLINA**

The CHAIRMAN. Well, the cylinders for that natural gas containment, bringing them out of Algeria, are manufactured by General

Dynamics in Charleston, in the port there, and we would be glad to send you both as many as you wish.

Mr. Chairman, thank you very much for this hearing. It is important for many reasons, but let us get just one comment about security.

I am glad to see the hearing led off by Admiral Underwood, which in addition to airport security we have got railroad security, the tunnels, and Grand Central Station, and in addition, as Senator Kerry has just mentioned, the ports bill that we have got out on the floor, and the bill right now for airport security contemplates a Deputy Secretary of Transportation in charge of security, that he will have all of these responsibilities, that it must be professionalized, and that is enough said.

Thank you very much.

Senator BREAUX. Thank you very much, Mr. Chairman, and with that we would like to welcome our first witness, who is Admiral James Underwood, who is Director of the Office of Intelligence and Security with the Department of Transportation.

Admiral we have your testimony. If you would like to summarize, we would proceed to questions.

**STATEMENT OF ADMIRAL JAMES W. UNDERWOOD,
DIRECTOR OF THE OFFICE OF INTELLIGENCE AND SECURITY**

Admiral UNDERWOOD. Thank you, Chairman Breaux, Chairman Hollings. Thank you for the opportunity to appear before you on the critical topic and area of concern for our entire nation.

First, I want to express and extend my deepest sympathy to the families of the victims of the tragedies of September 11, a day that marked a change in the comfort and confidence of our American citizens in our security and safety.

While aviation was clearly the immediate focus for everyone, we realize there is a broader threat to our critical assets and our population. We must now reexamine some of our basic security assumptions and address potential threats. On September 11, Secretary Mineta acted quickly and decisively. In response to the unprecedented attacks, the Secretary shut down the entire United States air space for all civil aviation. The Federal Aviation Administration has been slowly bringing the civil aviation system back in studied increments.

As you know, before the Secretary allowed our airports to reopen, and air carriers to resume operations, airports and air carriers had to meet stringent new security measures. As President Bush has articulated, at all airports increased numbers of uniform and plain clothes security, law enforcement officers and canine officer teams have been deployed to provide greater deterrence, surveillance, and response in the case of an emergency.

Access points to secured areas of airports have been reduced to the operational minimum, and airports have increased random security checks and ID checks through their entire terminal areas. We will continue to work to improve technology, the workforce, industry vigilance, and our own awareness of possible new access issues.

This brings me to today's topic. Secretary Mineta has been adamant that aviation is not the only key transportation asset of the

United States, and that we must work now to protect the critical infrastructure elements of our railways, roads, transit systems, pipelines, and waterways. Much has been done, with some restrictions and precautions starting the very day of the attack. To date, most have been voluntary, or coordinated action taken under local and state authority. The private sector has been largely responsible for assuring its own infrastructure and business security practices. We have developed a trusted partnership with the transportation industry and state and local authorities that transcends economics and politics, and acknowledges that our ultimate goal is to protect our country, its people, and our freedom.

In light of September 11, we must consider how to assure the long-term consistency and sustainability of these security measures. To that end, on September 17, Secretary Mineta created the National Infrastructure Security Committee at the Department of Transportation to focus on intermodal transportation security issues in the new threat environment. This Committee is in the process of identifying high-value, high-consequence transportation assets and current protection strategies, developing a set of national standards that address a prudent level of protection for our most critical transportation assets, and identifying and addressing the strategic gaps between the current and desired level of protection for the most critical of these assets. Secretary Mineta also formed two rapid response teams on airport and aircraft security, and is currently weighing their recommendations.

On September 24, Secretary Mineta established a Maritime Direct Action Group to evaluate the need for enhanced port security measures, and we appreciate this Committee's recognition of the importance of this effort. Formation of this action group builds on the United States Coast Guard efforts with homeland security and maritime domain awareness. The coordination and responsiveness by the transportation community and the initiation and implementation of additional measures have been exemplary during the past 3 weeks. Let me offer a snapshot of the activities within the Department's operating administrations that have occurred since September 11, starting with railroads.

FRA has been coordinating with freight, intercity passenger, and commuter railroads and industry groups such as rail labor organizations, the Association of American Railroads, the American Shortline and Regional Railroad Association, and the American Public Transportation Association to review current security programs in light of the recent terrorist threats to determine whether enhanced security measures may be needed to maintain the security of the railroad industry.

The freight railroad industry has established a task force to study security threats to their physical assets, train operations, information technology systems, hazardous material transportation, and national security shipments.

Individual rail companies already increased inspections and surveillance at sensitive locations such as tunnels bridges, interlockings, and terminals. Amtrak and the commuter railroads have taken immediate measures to enhance security at stations and at critical points on their routes, and APTA has established a

special passenger security task force to examine issues unique to their needs, and to determine the need for further improvements.

The Federal Highway Administration has increased efforts to heighten security and surveillance of critical highway infrastructure elements, including vital connectors to our ports, railroads, and military bases. The Federal Motor Carrier Safety Administration is taking swift action to ensure that hazardous materials in the transportation system cannot be used as a potential weapon by terrorists.

Over-the-road bus companies and other commercial passenger carriers are cooperating with the federal motor carriers to heighten security, reviewing baggage checks and ticketing passengers, consulting security professionals, and as much as possible avoiding locations that might pose security risks to passengers.

The Federal Transit Administration is providing assistance to help improve the preparedness level of transit agencies across the country, and in order to improve pipeline security, the Research and Special Programs Administration immediately issued threat advisories to pipeline companies, and continues to review security measures of major pipeline companies working with the department's state regulatory counterparts.

Contingency response plans are being outlined at all levels for all modes of transportation. Let me assure you that we are continuing to identify critical transportation assets, and define potential or current countermeasures and assurance measures to protect them.

America's waterways, like air transportation, are a key element of the critical transportation infrastructure. The United States Coast Guard acted promptly to ensure the security of the waterways, exercising its full authority to identify, examine, and control ships and watercraft in and near critical assets and populated areas. Since September 11, Coast Guard boarding officers and support personnel in the major ports have been inspecting commercial vessels arriving in the United States to ensure that their purpose is legitimate and their cargoes are safe.

In New York Harbor and elsewhere, crews have been working 12-hour shifts 7 days a week to establish and enforce security zones, while making sure commerce continues to flow. They are working together as a seamless force of active duty, reserve, civilian, and auxiliary members. In fact, over 2,700 Coast Guard reservists have been called up to active duty to augment our forces and to enable the deployment of the port security units Senator Kerry referred to. Major Coast Guard cutters have been positioned in the approaches of all our major ports, while Coast Guard aircraft perform flights for logistics and patrol duties.

Employment of these assets in homeland security is a superb example of the Coast Guard's multimission agility. In this case, pulling resources from its fisheries enforcement, aids to navigation, drug and migrant interdiction missions without diminishing its traditional search and rescue responsibilities.

We must now rigorously test the effectiveness of the established and newly implemented security procedures across all modes. We must also enhance our efforts at physical security vulnerability assessments. Our capabilities to make these assessments are not consistent across all modes, and we are working on plans to address

this disparity. We must examine the security measures implemented with confidence in the aviation industry, and move to attain comparable levels of security competence in the other modes in all areas, such as employee verification, access control, awareness, inspection, and protection.

Last, I want to address the issue of commitment. I am proud of the commitment of the workers of all of the operating modes of the Department of Transportation in addressing this clear and present danger. In addition, I applaud the commitment of the transportation community to identify their own vulnerabilities, address them, and work with Government to go the next step and achieve what Secretary Mineta has called a new normalcy.

Thank you for this opportunity to present my thoughts before you. I welcome your comments and questions.

[The prepared statement of Admiral Underwood follows:]

PREPARED STATEMENT OF ADMIRAL JAMES W. UNDERWOOD,
DIRECTOR OF THE OFFICE OF INTELLIGENCE AND SECURITY

Thank you for the opportunity to appear before you on this critical topic and area of concern for our entire nation. I want to express my deepest sympathy to the families of the victims of the tragedy of September 11, a day that marked a change in the comfort and confidence our American citizens have in their security and safety. While aviation was clearly the immediate focus for everyone, including the Department of Transportation and national security offices, we realize there is a broader threat to our critical assets and our population. The possibilities we now face are driven by the deliberate attack on our society that most could not have imagined prior to September 11. We must now reexamine some of our basic security assumptions and address potential threats.

I am here to report, first: with confidence that we have been doing just that for transportation, second: with some concern that it is not yet enough in all areas, and third: with commitment that we will continue to identify all vulnerabilities and address them.

On September 11, Secretary Mineta acted quickly and decisively. In response to the unprecedented attacks, the Secretary shut down the entire United States airspace for all civil operations. The Federal Aviation Administration (FAA) has been slowly bringing the civil aviation system back up in studied increments. As you know, before the Secretary allowed our airports to reopen and air carriers to resume operations, airports and air carriers had to meet stringent new security measures through a certification process. I must tell you that we have had an unprecedented level of cooperation between the Federal Government and airport operators and air carriers to implement these procedures so quickly and effectively. Also, we have been working and will continue to work closely with the intelligence community and all components of the aviation industry to identify and address other possible threats. For example, we grounded crop dusters until we could be certain that measures were in place to address their potential use as a means of distributing chemical or biological agents on a populated area.

As President Bush has articulated, at all airports, increased numbers of uniformed and plainclothes security, law enforcement officers, and canine officers have been deployed to provide greater deterrence, surveillance, and response in the case of an emergency. Access points to secured areas of airports have been reduced to the operational minimum, and airports have increased random security checks and ID checks throughout their entire terminal areas. All cutting instruments, including knives, box cutters, scissors, and straight-edged razors, are banned from carry-on luggage and may no longer be sold in "sterile" terminal areas—those areas beyond the security checkpoints. We have increased the number of Federal Air Marshals flying on select flights and we will continue to expand that program. We will continue to work to improve technology, the workforce, industry vigilance, and our own awareness of possible new access issues.

This brings me to today's topic. Secretary Mineta has been adamant that aviation is not the only key transportation asset of the United States and we must work now to protect the critical infrastructure elements of our railways, roads, transit systems, pipelines, and waterways. Just yesterday, Secretary Mineta traveled safely to Philadelphia by train. Much has been done, with some restrictions and precautions

starting the day of the attack. To date, most have been voluntary or coordinated as action taken under state and local authority. The private sector has been largely responsible for assuring its own infrastructure and business security practices. We have developed a trusted partnership with the transportation industry and state and local authorities that transcends economics and politics and acknowledges that our ultimate goal is to protect our country, its people and our freedom. In light of September 11, we must consider how to ensure the long-term consistency and sustainability of these security measures.

To that end, on September 17, Secretary Mineta created the National Infrastructure Security Committee (NISC) to focus on intermodal transportation security issues in the “new” threat environment. NISC is in the process of identifying high-value, high-consequence transportation assets and current protection strategies; developing a set of national standards that address a prudent level of protection for our most critical transportation assets; and identifying and addressing the strategic gaps between the current and desired level of protection for the most critical of these assets. Secretary Mineta also formed two Rapid Response Teams on Airport and Aircraft Security, and is weighing their recommendations. On September 24, Secretary Mineta established a Maritime Direct Action Group (MDAG), to evaluate the need for enhanced port security measures. We appreciate this Committee’s recognition of the importance of this effort. Formation of the MDAG builds on the United States Coast Guard’s efforts with Homeland Security and Maritime Domain Awareness.

Because of the recognized need for heightened security, coordination and responsiveness by private industry in the initiation and implementation of additional measures have been exemplary the past 3 weeks. We have been working on identifying and promulgating best practices across all modes. The Federal Railroad Administration (FRA) plays a liaison role between the Department’s security office and the railroad industry. FRA’s broad safety authority and expertise in railroad safety and operational issues give it a significant role to play in helping to analyze and address security threats in the rail mode. Since September 11, FRA has been coordinating with freight, intercity passenger, and commuter railroads and industry groups, such as rail labor organizations, the Association of American Railroads, the American Short Line and Regional Railroad Association, and the American Public Transportation Association (APTA), to review current security programs in light of the recent terrorist threats to determine whether enhanced security measures may be needed to maintain the security of the railroad industry. The freight railroad industry has established task forces to study security threats to their physical assets, train operations, information technology systems, hazardous materials transportation, and national security shipments. Individual rail companies have already increased inspections and surveillance at sensitive locations such as tunnels, bridges, interlockings, and terminals. Amtrak and the commuter railroads have taken immediate measures to enhance security at stations and at critical points on their routes, and APTA has established a special passenger security task force to examine issues unique to their needs and to determine the need for further improvements.

The Federal Highway Administration (FHWA) has increased efforts to heighten security and surveillance of critical highway infrastructure elements, including vital connectors to our ports, railroads, and military bases. An Emergency Preparedness and Response Team will identify areas of potential vulnerability and operational concerns. This team is examining such issues as vehicle size and weight limits, intermodal coordination, and coordination with the Military Traffic Management Command (MTMC). FHWA Division offices are currently working with state and local DOTs to assess risks to critical infrastructure and countermeasures. Over the next 2 weeks, recommendations will be made to the field offices for initiatives to maintain the flow of commerce, protect and restore critical facilities, and monitor the movement of hazardous materials. Division offices will work with state DOTs on implementation of an appropriate public notification system, such as the New York City DOT website which updates the closed/open status of all transportation activities—roads, bridges, tunnels, transit, ferries—on one website. The Team will also be identifying technology solutions for priority movement of military and emergency resources, as well as public notification.

The Federal Motor Carrier Safety Administration (FMCSA) is taking swift action to ensure that hazardous materials in the transportation system cannot be used as a potential weapon by terrorists. FMCSA’s field staff in every jurisdiction are making security visits to trucking companies that transport hazardous materials to urge heightened vigilance and the creation of security plans. Companies are being asked to carefully look for potential vulnerabilities in every aspect of their operations—from package control to en-route protection to communications—and to devise ways to strengthen safety. Particular stress is given to conducting thorough background

checks on drivers and being alert for suspicious behavior from drivers, shippers, consignees or the public. Trucking associations and hazardous materials transport associations are helping out by contacting their members and passing on suggestions for improving security measures.

Our partners in state safety enforcement have joined the effort by giving greater priority to hazardous materials enforcement at the roadside and stepping up driver inspections and license verification for hazardous materials carriers.

FMCSA has been cooperating closely with the Federal Bureau of Investigation and other law enforcement agencies to check on drivers who hold licenses to transport hazardous materials. In the past 2 years, the FMCSA has dramatically increased its scrutiny of state licensing agencies to root out corruption in commercial licensing.

Over-the-road bus companies and other commercial passenger carriers are cooperating with FMCSA to heighten security, reviewing baggage checks and ticketing procedures, consulting security professionals, and, as much as possible, avoiding locations that might pose security risks to passengers.

The Federal Transit Administration is providing assistance to help improve the preparedness level of transit agencies across the country.

Contingency response plans are being outlined at all levels for all modes of transportation. Let me assure you that we are continuing to identify critical transportation assets and define potential or current countermeasures and assurance measures to protect them.

America's waterways, like air transportation, are a key element of the critical transportation infrastructure. Considering that 95 percent of all overseas products move through seaports, the Department of Transportation is especially interested in detecting cargo and people that may arrive aboard ships having the intent to harm the United States. Equally important, we are working hard to identify persons operating clandestinely on the water, with the intent of protecting ports from disruption and damage. We are working cooperatively with other federal agencies and maritime industry groups to share information and resources for a common purpose.

In order to improve pipeline security, the Research and Special Programs Administration immediately issued threat advisories to pipeline companies, continues to review the security measures of major pipeline companies, and is working with the department's state regulatory counterparts to relay security advice to intrastate pipeline companies.

We must now rigorously test the effectiveness of the established and newly implemented security procedures across all modes. We must also enhance our efforts in physical security vulnerability assessments. Our capabilities to make these assessments are not consistent across all modes, and we are working on plans to address this disparity. We must examine the security measures implemented with confidence in the aviation industry and move to attain comparable levels of security and confidence in the other modes in all areas, such as employee verification, access control, awareness, inspection and protection.

We are examining how we can initiate and require measures to protect all transportation assets nationwide, and protect sensitive security information across all modes. This specific authority is now available to the FAA and the Coast Guard but not to the Secretary of Transportation or other modal administrators. Voluntary measures will not provide the systematic and ongoing security level the Department seeks and the United States requires.

Lastly, I want to address the issue of commitment. I am proud of the commitment of the workers of all of the operating modes of the Department of Transportation in addressing this clear and present danger. For example, the Department's Crisis Management Center was immediately operational at 9 a.m. on September 11, and was operated around the clock by employees, including many volunteers, from virtually every DOT agency. In addition, I applaud the commitment of the transportation community to identify their own vulnerabilities, address them, and work with the Government to go the next step and achieve what Secretary Mineta has called a "new normalcy."

Thank you for this opportunity to present my thoughts before you. I welcome your comments and questions.

Senator BREAUX. Thank you very much, Admiral Underwood. Thank you for your statement, and also thank you for the things that have been going on within the Department of Transportation with regard to new things, and procedures that have been put in place.

When we were preparing for the hearing and talking with the staff, I set out an analogy, or a possibility that I think highlighted the potential for problems with regard to the rail passenger system in this country. I pointed out that under the old system, that I or someone who wanted to do grave damage to the passenger system could take a suitcase, load it with explosives, and roll it over to Union Station, where I would buy a ticket on an automatic ticket machine, and then roll that suitcase onto a passenger train and set my case right behind the engine, perhaps, and then walk right off the other side of the train, and the train leaves, and the horrible, inevitable would happen. What, if anything, from a procedural standpoint has now been set up that would prevent that, or likely prevent that from happening?

Admiral UNDERWOOD. Mr. Chairman, since September 11 the Amtrak police force has stepped up their patrols. They are now working 24 hours, 7 days a week, 12 on and 12 off shifts. They have increased the amount of security in the stations, in the major stations. They are checking passenger ID's at the point of issuing tickets. They are requiring a photo identification at that point.

Senator BREAUX. Suppose you buy your ticket on an automatic ticket machine. Can you still do that?

Admiral UNDERWOOD. They will check the identification on the train.

Senator BREAUX. Do you have a passenger manifest list of the passengers riding?

Admiral UNDERWOOD. They do not have a passenger manifest of the people that are riding. However, they do have a list of the people we are looking for, and are checking that photo ID against that list. This is the list we have been provided by the FBI that we have also shared with the other modes of transportation.

Senator BREAUX. Is there any thinking in terms of baggage inspection on passenger trains, or is that something that has been considered, and what are the parameters?

Admiral UNDERWOOD. That is one of the items we are still considering.

Senator BREAUX. Can you elaborate about the pros and cons? What are people saying of what should be done and what should not be done?

Admiral UNDERWOOD. As you know, our rail system, a very important piece of the transportation system, does have a much different—it is not analogous to an airport. It does not have the same security checkpoints. The access to the airport is much more controlled than it is to a rail station, and so there are a lot of difficulties in putting something like that in place. There are a lot of stations in our country that are not—that passengers can still get on-board trains.

Senator BREAUX. Can we to any degree of certainty guarantee the safety of a rail passenger system without preinspecting luggage that is brought onto trains?

Admiral UNDERWOOD. I think the steps that the Amtrak chief of police has implemented since September 11 are a dramatic increase in the level of security that we are providing to the rail passenger industry. The same steps are being mirrored in the commuter rail by the local—

Senator BREAUX. You do not envision any requirement or move towards inspection of carry-on baggage on passenger trains?

Admiral UNDERWOOD. Sir, I think that is still one of the items that is under consideration.

Senator BREAUX. Just from a timing standpoint, do you think you are going to have a decision on that in the near future, or what?

Admiral UNDERWOOD. I do not have a sense of the timing on that, Senator.

Senator BREAUX. Let me ask a question about the subject matter that Senator Kerry brought up, with the LNG, dealing with the ports. There are a lot of other questions I want to get into on passenger ships as well, but liquified natural gas, a tanker that was going into Boston Harbor was diverted from Boston Harbor, eventually I guess was sent to Lake Charles. Can you elaborate on that, and is that what happened, and if so, what made Lake Charles a secure port and Boston an insecure port?

Admiral UNDERWOOD. My understanding is that the tanker MATTHEWS is the one that was diverted from Boston, and that it is mooring in Savannah, Georgia today.

Senator BREAUX. It did not go to Louisiana?

Admiral UNDERWOOD. It did not go to Louisiana.

Senator BREAUX. What made Savannah a safe port and Boston an unsafe port?

Admiral UNDERWOOD. Savannah had the security apparatus in port set up and ready to receive the LNG tanker. There was some concern that in Everett that security force was not capable at that point to receive it. There are, as were mentioned, some broad meetings going on across agencies, and with the communities that Admiral Nacarra is putting together in the First Coast Guard District to address improved and enhanced security.

Senator BREAUX. Let me ask about the general nature of the security from the Department of Transportation, and this will be my last question about particularly the railroad security. You are an Admiral with a distinguished career in the Coast Guard, but I take it now that you are also overseeing security for railroads, which is certainly a whole different area.

The Federal Railroad Administration I take it has responsibility for safety but not security. I am not sure what the difference is there. How is this structure going to work? Are you going to be overall responsible for security as well as safety? We are going to have people stumbling over each other if we do not get the procedure straight, and a working framework about how this is to be handled from the question of ship passenger security, rail security, both for passengers and cargo. How is all of this going to work? Are we going to be stumbling over each other? What are we going to do?

Admiral UNDERWOOD. In the National Infrastructure Security Committee that Secretary Mineta has formed those are exactly the kind of issues that are being addressed and being brought to the table so that we can examine that and determine what that recommended structure would be.

With respect to my being a Coast Guard Admiral and suddenly being a security expert on the railroads, I can assure you I have

had a lot of help from the railroad industry, getting to the point that I am as knowledgeable, as limited as that might be, but that the railroad police have a fine organization, and they work very closely with the International Association of Chiefs of Police in developing what those right security measures are.

Senator BREAU. But am I correct in that railroad security in the past has pretty much been left up to the private sector, the owners and operators of the transportation system?

Admiral UNDERWOOD. Yes, you are correct.

Senator BREAU. Senator Hollings.

The CHAIRMAN. Well, tell them, please, they have got to get on the ball, start moving and not wait for all of this planning, let us go to airline security, Admiral. Of course, you were not involved in this, but right after this occurred on 9/11 I gave the Secretary Mineta over a week's notice of a hearing that we were going to have, suggested at the time, to secure those doors, and I have yet to see it—you talk about rapid response.

Once you get a secure door like they have at El Al, whether it is steel or Kevlar or whatever else—and they have got doors. If I ran an airline I would not dare want to fly any more airplanes unless I had a secure door, and once the door is made secure, and never to be opened in flight, that in reality more or less stops all of this airline takeover and using domestic flight for a weapon of mass destruction.

If you know that you cannot get into the cockpit, you can start cutting some people up or start a fight back in the passenger cabin, but once that starts the plane will be landed and the FBI will be waiting, so—you can start a fight in this room if you want to, if I am a terrorist or whatever, but somehow, somewhere they have all studied it, and they said rapid response. Tell that crowd they are not rapid, and they are not responding.

Once you get that door secure at Reagan Nation, that ends it. There is no difference between Reagan National and Dulles. You cannot—will the pilot guide the plane into the White House? That is done. That problem is solved. You have got to check your pilots, they are checked now. They have got all good records. Tell them, let us get going.

On rail security, let us assume I am a terrorist and I want not to blow up anybody, nor get to the tunnel or anything else. All I would have to do is take a crowbar, and work at the dark of night to really twist that rail around, undo the pins and so forth like that, and derail it. How do you stop that?

Admiral UNDERWOOD. We have in the rail industry they have examiners that go out and look at the track on a regular basis, and the one night, overnight, I would defer that question to the next panel.

The CHAIRMAN. We have to figure out some way, and I know they have electronic signals and everything else of that kind.

Admiral UNDERWOOD. Well, if the track is not in place we could tell.

The CHAIRMAN. You could tell if the track is not in place?

Admiral UNDERWOOD. If it is broken, yes, they could tell.

The CHAIRMAN. They could tell that immediately at some central point?

Admiral UNDERWOOD. They have the capability of doing that.

The CHAIRMAN. Well, good. That educates me. That is why I am asking, to try to find out, because everybody is talking about the tunnels, but I want to derail a train before it gets in the tunnel or whatever it is, or before it goes across the pass, or the river, or whatever else.

Admiral UNDERWOOD. Without going into a lot of details, that can be overridden.

The CHAIRMAN. That can be overridden?

Admiral UNDERWOOD. By somebody who understands the system, so there is a need for stronger legislation, criminal legislation against people that would do that, would wreck these trains, and I think the FRA has proposed some legislation on a number of occasions.

The CHAIRMAN. On the maritime, Admiral, we have been working at the Committee level and have the bill reported for port security, and we found out that the Customs said, oh no, the Coast Guard was in charge. The Coast Guard said, oh, no, the DEA checks that, and the DEA said no, the Port of Bayonne, New Jersey checks that, and everybody was putting it off onto the next one.

Under the law, the Captain of the Port—now, this is something you know about—is the responsible officer, is that not correct?

Admiral UNDERWOOD. That is correct.

The CHAIRMAN. And have you have any difficulty in this coordination, because I take it you folks are moving, not just waiting on legislation to secure the ports.

Admiral UNDERWOOD. There has been nothing but absolute cooperation with all of our fellow Government agencies and industry in the wake of September 11.

The CHAIRMAN. When you say absolute cooperation, how about security checks for the personal working the port?

Admiral UNDERWOOD. Enhanced security across the port. Now, the Coast Guard has not taken on the personnel security for the people on the land side.

The CHAIRMAN. Who takes that on?

Admiral UNDERWOOD. I don't have that answer.

The CHAIRMAN. Well, I think if you have got the overall security, you had better fix it, and we have got to know that, Admiral, because that is one of the hangups, I think.

Senator BREAU. You do not know who does security at the ports?

Admiral UNDERWOOD. On the land side?

Senator BREAU. You do not know who does that?

The CHAIRMAN. You get the land side, the Coast Guard and the Customs—

Senator BREAU. I am astounded you do not know the answer to this question.

The CHAIRMAN. This dance has been going on for years. That is why I asked the question. I am trying to get a fix—you know, life has changed after 9/11, and you folks have got to get together and lead, and not keep appointing committees and plans. I think the captain of the port under the law he has got that authority, therefore he has got that responsibility, and you have got to require it

on the land side. The captain of the port is not out in the water, he is land side.

Thank you, Admiral.

Senator BREAU. Senator Rockefeller.

**STATEMENT OF HON. JOHN D. ROCKEFELLER IV,
U.S. SENATOR FROM WEST VIRGINIA**

Senator ROCKEFELLER. Thank you, Mr. Chairman. I want to pick up a little bit where Chairman Hollings left off on railroads, and the whole question of private action. I am having it checked out now so that what I say—I feel about 95 percent sure about it, but I am not 100 percent sure, but I know that I was told by somebody that does not mislead me that on the airline situation, that Boeing said right after September 11 that yes, we could do those doors on all of our new airplanes, but we cannot do them on the ones that exist. It is too expensive. It takes too much time.

Now, I say that not to say anything about Boeing, which makes great aircraft, but to say that when you rely on the private sector to do something and it goes right up against their bottom line, whether subsidized by the Government or not, I get nervous. It strikes me that railroads are far more vulnerable in many ways than are airplanes, and it has been fascinating to me to watch this nation come to grips with how it is that we make airlines more secure, and we are going to do that under Chairman Hollings' leadership this week, at the end of this week, but I just—when you say, we are working with them and we are going to follow their lead, or they are going to do it, I just want to go on record that makes me very nervous.

Second is that the whole concept of interaction between agencies. The two classic agencies that do not interact are the two on security measures which ought to interact the best, and that is the Central Intelligence Agency and the FBI. There is a long history there. It does not need to be gone into, but the point is, you know, September 11 would not have not happened if they had been cooperating. It would have happened anyway because of the nature of the very simplistic approach that the terrorists took, but when people talk about cooperating, I also get nervous.

Now, that is not fair 2 weeks out from the event. It is not fair to you. People have to sort of grope around because there is—it is like when Rumsfeld was trying to take on the Joint Chiefs of Staff and he lost. I mean, maybe he is winning now because of September 11, but they overrode him, because people do not want to cooperate. Everything is turf.

You get into DOT, DEA, all kinds of other places, it does not change, and so I guess my first question to you is, why do you have confidence, other than simply the saying of it, that aggressive, dynamic, specific plans are beginning to be made? I do not ask that the plan be here by this time—it would be too early to be good planning—but that the instinct to get together and roll up the shirtsleeves and forget all about territory, how do you have confidence that is active in the Department of Transportation as it relates to other agencies?

Admiral UNDERWOOD. With respect to other agencies, Senator, or with respect to the industry?

Senator ROCKEFELLER. Other agencies is my question.

Admiral UNDERWOOD. I have confidence because even before September 11 we were working closely with the other agencies that would have a very significant use of what we are currently doing, and subsequent to that time, the efforts that have been redoubled, the amount of communication, the active working on work groups and task forces that are looking at those very specific issues is taking place.

The plans are being made, definitions and common understandings across agencies, and within industry, so that we understand when we are at various levels of threat and how to communicate those levels of threat across the agencies and with industry, I am very confident that what we have, the makings of now is much more robust than what we had before, and we are working in that direction.

Senator ROCKEFELLER. Let me make my point a different way. It is hard for me to buy into that answer, with all due respect to you.

When Sam Nunn and Jim Woolsey testified on Dark Winter, and they took a country that was hit by chemical, nerve, biological—various scenarios, and Nunn becomes president, and then they do this through with computers in war rooms and the whole thing, and it turns out to be an absolute disaster, showing that the public health—nobody is prepared. Absolutely nobody is prepared for any of this.

And from that comes a suggestion that it really ought to be done by states. Each Governor in a state ought to have a pretend, so to speak, biological, nerve, you know, other type of disaster to find out if states themselves have any idea how to handle this, but more importantly to alert people so that the so-called interagency planning process, which I do not think the American people have a lot of confidence in. This Senator does not at this point—at this point—and so that the American people are aware of what the stakes are here.

Again, when Chairman Breaux talked about checking baggage, is there anything more than that? Well, not for the moment. We are thinking about that. That is incredible. I mean, why would not one check baggage going onto a train, if one checks it going onto an airline, why would that be a matter of discussion, and I can think of a couple of good reasons. One is resources, and other sorts of things, but it seems to me that is what you ought to be telling us, not that we are not sure if it is a good idea or not. You know it is a good idea.

And those are just two forms of public transportation, railroads and airlines, and there is so much more, but that is what you ought to be telling us, and then telling us, it seems to me, that yeah, we think it is a good idea, but we cannot afford to do it, or we think it is a good idea but we do not have the legislative authority to do this.

You talk about criminal penalties. We are talking about security legislation here. What do you need from us? And this is kind of the emphasis that I would like to make in my comments to you, and you can respond if you would like.

Admiral UNDERWOOD. I understand, and I will take that back to the Secretary. Yes, sir, absolutely, those are the things we are looking at.

Senator ROCKEFELLER. I was asking for your own response.

Admiral UNDERWOOD. Senator, my response is that with concern to all of those areas in the national transportation security, the need to be elevated to find that new normalcy that the Secretary is referring to, we need to examine across the board and to come up with the solutions, and understand what those are.

I am not sure that just piecemeal, or finding one that we think is the right one in a particular area to approach, and then saying that is where we are going to throw all the resources to handle that, without looking at the entire fabric of our transportation system—because it is so intermodally linked, and because there are so many pieces to it that require that same level of attention.

Senator ROCKEFELLER. Well, I certainly agree with that.

Senator BREAUX. Your time has expired. We are going to go in the order of appearance. Senator Kerry is next, followed by Senators Inouye, Boxer, and Snowe. Senator Kerry.

Senator KERRY. Thank you very much, Mr. Chairman.

Admiral you are here testifying on behalf of the Department of Transportation, and you acknowledge that you have had to sort of build the expertise with respect to some of the service components of that, but I am very concerned that the rhetoric of the last weeks is far outstripping the response. War footing, war against terrorism—on Sunday, Attorney General Ashcroft delivered a fairly sober warning, and I know many people in many parts of the country called me. In Massachusetts I heard from people, what is the threat tomorrow, what is the level, what should we be doing.

I am very wary of outpacing the response by the rhetoric, and I am particularly weary of sowing the seeds of any kind of panic or alarm that are not merited, and I feel to some degree there is a contradiction here a little bit. If a train—I mean, a train has so many capacities to be used as a terrorist tool. I assume you could hijack it, conceivably, in which case you want to run it into something, or you might have people prearranged to help move a switch and target something conceivably, another train coming, who knows. Or, as Senator Breaux said, you take high explosives on in some bag that has not been inspected in a high volume station, or somewhere, and it blows up. There are not too many other ways in which one could script a scenario for a valuable terrorist tool in that context, but it seems to me the answers that we have been given is that neither of those scenarios are at this point adequately protected against.

Admiral UNDERWOOD. If I could address the first scenario, I think that my conversations and understanding of the system is such that is not a likely scenario. Although there are 220,000 miles of trackline across the United States, these tracks are controlled by the rails, and that the trains on those tracks are under the control of operating centers, so that they can tell when a track has been tampered with in most cases and divert trains around that situation. They can stop trains, they can reroute trains.

Senator KERRY. Stop a train that is under their control, but they cannot stop a train that is not under their control without diverting

it into something else, so it would stop rather suddenly, I would assume.

Admiral UNDERWOOD. That is correct.

Senator KERRY. I know they did a good job of managing a train that was left unattended with the throttle on, and I gather it ran for some 4 or 5 hours until they finally were able to get somebody on board who stopped it, so clearly they have some control, but we are talking about a train which has been altered out of its normal control configurations, if, indeed, it is subject to some kind of takeover. I mean, that is what I am trying to get at.

Are you telling this Committee that it is foolproof, that somebody could not in fact board the locomotive and take control of the train?

Admiral UNDERWOOD. I would never tell the Committee that something is foolproof. However, I would say that the scenario that you created is highly unlikely that someone can, and knowing that has occurred, the end result, what can they do, and I think there were other steps that can be taken after that, if that had not worked to regain control of that train.

Senator KERRY. I understand that, but if you are dealing with people who are prepared to lose their lives driving into a building, are you not dealing with people who are prepared to lose their lives driving into a station?

Admiral UNDERWOOD. They would have controlled the train before it got to the station.

Senator KERRY. They can do that?

Admiral UNDERWOOD. They can do that.

Senator KERRY. So in other words, that is not a threat. That is the simple answer.

Admiral UNDERWOOD. It would still derail the train. They can derail the train, force derailment.

Senator KERRY. Is there a reason the Department has not moved more rapidly on the question of baggage inspection? Is there any particular reason we should be aware of?

Admiral UNDERWOOD. I think there is some serious resource constraints, as were mentioned, on the ability to carry out that function. There is also the area of threat.

Senator KERRY. People are measuring the threat, in other words and making the judgment?

Admiral UNDERWOOD. Measuring the threat against the vulnerability. The vulnerability is there. The threat has not been there for our passenger trains in the United States.

Senator KERRY. Well, I understand, and I appreciate that. I mean, obviously you cannot protect against every crowded event. You cannot protect against everyone, but you can take sort of the minimal level of precautions that most Americans are going to believe is reasonable, and the question is, I suppose, is it reasonable to expect to get on a moving vehicle with a sense that the other passengers on that vehicle do not have a weapon or some capacity to terminate your capacity to get where you are going. Is that a reasonable expectation for every American, is the question, and if it is, do we not have to take steps to guarantee it?

Let me come to one other point with respect to that. There are 2 billion tons of freight that come into our ports and harbors every year. Prior to September 11, only slightly more than 1 percent of

all of those cargo containers are inspected by either the Coast Guard, Customs or Immigration and naturalization officials, less than 1 percent of 2 billion tons of freight. Is that a threat to the United States?

Admiral UNDERWOOD. It is the threat that existed before September 11 as well.

Senator KERRY. But is that a threat? There are a lot of things that existed before September 11 that we now know cannot be allowed to continue.

Admiral UNDERWOOD. We do not have a specific threat as such. In that regard there is concern. There is concern that there could be that threat.

Senator KERRY. Let me express something to you, Admiral, and I think this is the feeling of a lot of people in the Senate, that the rules have changed.

Admiral UNDERWOOD. Yes, sir.

Senator KERRY. And a lot of us were very upset with the level of focus on this with respect to the so-called drug war and the trafficking in human beings. There are people who have been in those containers, people who were brought in basically for slave trade, and there are countless amounts of drugs that come in, and that has been tearing this country apart, and many people have said for a long period of time we have been resource-constrained, you and the Coast Guard.

I mean, I am the chairman of that Committee. We have been fighting to get you decent ship capacity. You have just told me now, and this Committee, that we are going to have to reduce our fishing oversight, our aids to navigation oversight, and there was a third one, I forget which it was.

Admiral UNDERWOOD. The law enforcement.

Senator KERRY. Those are going to have to now be reduced to pay attention to the security one.

Now, you know we are going to have to face up to the fact that some of these things are going to cost us some money, but I think the American public is prepared to pay a \$5 or \$4 or \$3 surcharge on a ticket to know they can get to their family at the other end of that ride, or that they are not going to lose their lives, or their kids are not going to in the in-between, and somehow the bureaucracy seems to be kind of just, gee, we do not know if we can do this, or this is a resource.

We are not acting like this is a war, and I think we have got to kind of get some proposals on the table and do what is necessary to make the American public safe, and that is how you are going to fill the trains and the aircraft and get the economy moving again. Until people do—I was on a plane the other day. The business people were flying because they have to, but the economy section was three-quarters empty.

So thank you.

Senator BREAUX. Senator Inouye.

**STATEMENT OF HON. DANIEL K. INOUE,
U.S. SENATOR FROM HAWAII**

Senator INOUE. Thank you very much.

Admiral as you are well aware, less than 4 percent of our international cargo is carried on American bottoms. Over 96 percent on foreign bottoms. We have two cruise ships, American bottoms. The rest are all foreign bottoms, and in the State of Hawaii we have one railroad company, narrow gauge. It runs about a mile and a half and carries tourists, and so my concern is maritime transportation.

The laws that we enact here will have very little impact upon the security practices in, say, Yokohama or Hong Kong, or in China, or Manila, or for that matter in Arabia or the Persian Gulf, and these are the ships that come to Hawaii. How do we project our security requirements abroad? I know that there is an international maritime organization that sets standards, but those standards are meaningless because we are not there to enforce them.

Admiral UNDERWOOD. I think one of the things we are looking at very closely, and I know that Admiral Loy has testified before the full Committee on the issue of domain awareness, in particular maritime domain awareness, and that is, having all of the information of the databases that are currently available to us, databases that are developed overseas, databases that are developed within the agencies of the United States Government, to have those compiled and cross-matched, so that as much information can be gleaned on a particular vessel, on its crew, and on the cargo, all three of these things being able to give a better picture of what is actually coming into our nation, what is actually departing other nations to arrive on our shores, but then having the capability, in this domain awareness, to interact with that vessel long before it reaches our ports, and those areas where it has some suspicious cargo or a member in the crew that we believe is suspicious of some nature.

Additionally, the Maritime Administration is working with other nations to develop that kind of sharing of information, international agreements, best practices.

Senator INOUE. I do not want to give any suggestions to anyone but as you know, Indonesia is the largest country with the largest Islamic population, and apparently today we are involved with men and women of the Islamic faith, a very few of them. However, if there is a ship from Indonesia, and there are several that come to Hawaii carrying oil, and that cargo contains certain electronically controlled explosives, how can we counter that, and it is set up in Jakarta?

Admiral UNDERWOOD. I have not seen anything that gives me that scenario as a threat against which we are working right now. What we are doing is looking at the ships. We are looking at known shippers, known routes. We are looking at the crew manifest. The Coast Guard is submitting a rule to extend the 24-hour notification to a 96-hour notification so that we have enough time to review those lists of who is in the crew to determine whether or not these individuals want to do us harm or are part of a larger terrorist organization or not.

Senator INOUE. Well, you do not have to be a member of a crew to place an explosive in anything. In fact, none of the hijackers were members of the crew, and so I hope we come up with something that I can assure the people of Hawaii, because the Port of Honolulu has surrounding them within a 10-mile radius about ½ million people, and I want to be able to assure them that the security that is necessary is being carried out, but from what I gather today, I am not able to assure them.

Admiral UNDERWOOD. Well, I would suggest that the captain of the port in Hawaii is taking all of those precautionary measures to enhance the security of the port, and that he is where necessary stopping vessels before they arrive in the port to examine them, to look at them. There has been an increased amount of the cargoes that are being inspected. These are extraordinary measures that are now being done.

Senator INOUE. Are we stopping cargo before they reach our ports today?

Admiral UNDERWOOD. In some cases they are stopping the vessel before they arrive in the port and going aboard with boarding teams to inspect the vessel and the cargo.

Senator INOUE. Thank you very much.

Senator BREAUX. Thank you, Senator.

Senator Boxer.

**STATEMENT OF HON. BARBARA BOXER,
U.S. SENATOR FROM CALIFORNIA**

Senator BOXER. Thank you, Mr. Chairman. Thank you, Admiral. A couple of times in answer to one question by Senator Kerry and now Senator Inouye, you basically said, we do not know of any specific threat here. You were discussing the railroads and also the port, and I just think if there is anything we learned, it is that there is no specific threat that anybody would take an airplane and turn it into a missile and sacrifice all the people inside, so I think an answer, we do not know of any specific threat, just does not sit well with a lot of us who are concerned that we do not know what to expect, so therefore we should almost expect everything.

Now, why do I say that? We had the Attorney General in a very frank way tell us, tell the whole nation that we should expect other terrorist attacks. I mean, it was rather stunning and candid and frank. It was not sugar-coated. The President has not sugar-coated anything. None of our leaders have.

So it seems to me, knowing that, we need to not say, gee, we do not owe him anything, but what we need to say is, we are preparing for everything. Now, I know that is hard to do, and from what I have gathered from your testimony, I feel better about the situation of how many miles of track—what did you say, 220,000, did you say, miles of track?

Admiral UNDERWOOD. Yes.

Senator BOXER. Because it seems to me we have the technology, from what you have said, to spot if there is a rail that is displaced, and the ability to take control of the train, and that is very helpful.

The thing that I am very concerned about after listening to you is the baggage checks, because—let me just say, I think we have an opportunity here, colleagues, because if we were to do a baggage

check we just might get some people who are up to no good. It is an opportunity for law enforcement to check who is going on these trains, and again you say there is no specific threat, do not expect it to come that way. I do not think it is going to, because there are a lot of cells in this country, and plans may already be in place and we do not know it. You may be right, it may be nothing to do with cargo or trains. It may come in some other form, but we need to do everything we can.

Can we stop everything? Maybe not, but I want to know, as Senator Inouye does, that I can look at my constituents and say, we have anticipated everything. How many members of the Amtrak police force are there?

Admiral UNDERWOOD. I would have to defer that to the Amtrak chief of police.

Senator BOXER. Is he here now? Is it possible, Mr. Chairman, I could find out? I am trying to find out how many members of the Amtrak police force there are.

Senator BREAUX. He will probably be able to address that with the next panel.

Senator BOXER. If I could just have an answer.

Admiral UNDERWOOD. There are 325.

Senator BOXER. And I do not know exactly how many stations we have, but I am assuming that may not be enough.

Mr. Chairman, I think what has come out so far, at least for me, in the rail issue—and I have not really spent as much time as I should on the cargo, and I am going to work with Senator Inouye and follow his lead on that—is that what you said at the outset, this baggage claim idea, that we need to do more.

Now, we have about 325 Amtrak police, and it may not be enough to do this, and one of the things I have been checking on is how we could use National Guard and reserves, and there was an opinion written by Judge Rehnquist back in the seventies that it does not violate posse comitatus to use them. Then we have actually under 49 U.S.C. section 224 the clear ability to use, at least for air safety, so we may have to do something on train safety, but if we need to do something, my closing point I want to make is just one I made to Mr. Mineta, Secretary Mineta, is that what I would want to see from you, knowing that you do not have the resources, clearly, to do everything you want, if you could just tell us, say, if you want to do everything you can, Senate Commerce Committee, to make this as safe as it can be, the rail, the cargo, we would need A, B, C, D to Z, and then let us see how we can work to make it happen, that would be very helpful, rather than, it seems to me, what is happening is you are working within your constraints, and you are being a good soldier on that point, but I would feel better knowing what it is you need to do.

In other words, to inspect every bag—just tell us what it is. It may be prohibitive, maybe we cannot, but I certainly would appreciate having that information. If you could go back and get us that information, then at least I could go fight for it. If I did not win the fight, but I need to know what it is you need and I need your premise to be that we could have an attack, not that you do not think there would be, but if we wanted to prepare for one, what it would take. I think it would help us both sides of the aisle.

We may have an argument over what is the best way to go. We may have different philosophies about life, about how much you can protect people, but I would like to know that if you could go back and work those numbers up for me. Is that possible?

Admiral UNDERWOOD. Senator, I would say that what we are working on at the Department is to provide that kind of information for the Secretary through the National Infrastructure Security Committee and through the various task groups.

Senator BOXER. When will you have that?

Admiral UNDERWOOD. I do not have the date or the time for that.

Senator BOXER. Maybe I am missing something. I thought we were at war.

Admiral UNDERWOOD. This is something that is a top priority for the Secretary.

Senator BOXER. But we need it very soon. We do not have so much of a window. We have the Attorney General saying we could conceivably be hit again, and so we cannot wait, and he said, especially if we retaliate, and that could happen soon. We do not know what our President is, Godspeed, thinking of doing, and so we need to have the information faster than we are getting it. That is my opinion.

I do not mean to be confrontational with you. I thank you for all your work. I just think we need to act a little more swiftly, and I thank you for bringing us together today.

Senator BREAUX. Thank you. Next will be Senator Snowe, Cleland, and Senator Stevens.

**STATEMENT OF HON. OLYMPIA J. SNOWE,
U.S. SENATOR FROM MAINE**

Senator SNOWE. Thank you, Mr. Chairman. Thank you for holding this hearing today, and thank you, Admiral Underwood, for being here. I know it is under some very difficult circumstances, and obviously we have to think differently in light of the unspeakable horrors that occurred on September 11 that has propelled us into a new era. It has sounded an alarm bell throughout the country, and so obviously we have to begin to reexamine the way in which we conducted ourselves and did business before September 11, and now how we are going to do it in the aftermath of the terrorist attacks.

I took the opportunity to speak with some of my local transportation officials in Maine, and particularly in the City of Portland, Maine, and they described to me various examples of the things that occurred on that day, and the days since September 11, not only with respect to aviation, but also with respect to rail and maritime procedures, and in fact they recommended to me—and I since have introduced legislation, because I really think it is a great idea. That is, to coordinate within the Department of Transportation all the agencies and all transportation-related activities in response to a national emergency similar to what the Federal Emergency Management Agency does in response to natural disasters. We need to have a coordinated response, not an ad hoc response to a national emergency.

Now, I want to give you some examples of what occurred with them, and how they responded, because what they did was take

local procedures, either local or state plans in place, and responded because they did not hear from federal agencies during that time, other than of course the FAA with the airport. With respect to other modes of transportation, I think if our country is going to be secure, we obviously have to be mobile, we have to protect our passengers, we have to protect our freight, we have to protect our infrastructure, because we now know various modes of transportation could be used for targets and for vehicles for violence. Therefore, I think we have to look at the gamut of transportation issues and begin to address them.

Let me just mention a few points. First of all, they said that in time of crisis we should be all operating from the same page, that it is imperative that all parties at the federal, state, and local level are kept abreast of the information, sharing information not only at the time of the national emergency, but even up to that point, with regular information, because it is important that they have the same information, and that it is shared among all agencies and among all levels of Government.

They said that the city was unable to get any official word from federal channels regarding the extent of the threat as it was unfolding. Twelve hours after the incident the city had yet to receive any official communication regarding the status or extent of the threat, and even 24 hours later, local transportation officials still had not received any official notification of threat assessments or security level from any federal agency.

Another example. Local officials employed their own local existing incident response planning, shared information based on existing relationships at the local level, and responded to the situation as best they could.

On September 11, approximately 14 trains passed through the City of Portland with little attention. The rail cars included chemical cars. The city has no authority to stop their movements. The local transportation officials eventually met with the Coast Guard as inbound vessels were scheduled, but no specific federal guidance or directives had come to the local offices from regional or Washington sources.

On September 12, a cruise ship arrived at the harbor entrance. The vessel was detained at the harbor entrance while the Coast Guard, Immigration and Customs worked out a policy on the spot, in the absence of federal guidance.

So—it was mentioned on the 12th that a second vessel, a cruise ship, arrived at the harbor entrance. The vessel was detained at the harbor entrance, while the Coast Guard and Immigration and Customs worked out policy on the spot. In fact, they told me what happened in Boston, at the Port of Boston, was different than what would happen in the Port of Portland with respect to the passengers, with respect to the cargo, with respect to the cars that are on these cruise ships, and so obviously we are going to need some uniformity of response and standards. And this is not critiquing the past. What happened before September 11 is obviously entirely different.

We are in a whole new era, and obviously things have to change, and what they are saying is, that we not only need to have a coordinated and all-encompassing focus on the entire transportation

network, but that emergency response also does require a federalized standard for nation-wide logistics, as well as coordinating the information for all agencies and for all levels of Government, and I think that would be one way of addressing this problem.

For example, rail cars that are rumbling through communities that have tankers of hazardous waste, or other chemicals could represent a threat. We obviously have to determine how we are going to scan all the containers on these cargo ships, and in fact one has suggested maybe having an identifying marker that cannot be removed from the containers when they come into the port.

Trucks are obviously another issue as well, but I think for the purposes of this hearing today, I would hope that you and the Department of Transportation would begin to think about this proposal of coordinating all of the transportation-related responsibilities and obligations and agencies to create a uniform federal response to a national emergency.

Admiral UNDERWOOD. Senator SNOWE, if I may, on 30 August of this year the Department of Transportation held an exercise that was designed to take every operating administration to the limit of a mass terrorist attack, and to develop their response and test their response plans for such an event.

As you know, this was 12 days before the actual event occurred. The reason we were able to stand up a crisis management center within 12 minutes and have every one of the operating administrations represented at that crisis center with the right people was because of that kind of advance thinking and forward-looking in the Department.

Prior to that, we had been sending out on a biweekly basis a transportation security and terrorism review, and that is about a two-page open source information sheet that we provide to all modes of transportation for further delivery to communities or to public transit systems, the industry throughout the country.

We also provide a transportation security information report, which is a very specialized report. When we have an incident or know of a specific incident so that we can target exactly who receives that information, as well as in some cases on a very broad basis, and we have been providing those both before and since September 11.

Senator SNOWE. I appreciate your response, Admiral. I just think the time has come that we are going to have to move differently in a synchronized fashion, just as we do in response to natural disasters. I really do think we have to coordinate in a different way. The standards are going to be known, and the procedures, regularized in respect to sharing of that information. It needs to be standardized and pulled altogether, I think under one agency within the Department of Transportation, called the Federal Emergency Transportation Agency, similar to FEMA, so that we have this coordinated response and everybody is operating off the same page.

I appreciate the work you are doing. No doubt it has been under some very arduous circumstances. I just think we are all going to have to think differently in terms of what happened on September 11, so I thank you for being here.

And I also should say the Coast Guard did work very well with our people in Maine, and I met with Admiral Nacarra, who is the

regional commander, and he came to Maine and apprised us of what they had done, and they have done an excellent job under some very difficult circumstances.

Senator BREAUX. Thank you, Senator.
Senator Cleland.

**STATEMENT OF HON. MAX CLELAND,
U.S. SENATOR FROM GEORGIA**

Senator CLELAND. Thank you very much, Mr. Chairman. Admiral, thank you for joining us today.

Anthony Cordesman, with the Center for Strategic and International Studies here in Washington, says that, "the next time they attack they will not be using aircraft." The likelihood, he says, is they will use a different weapon, something to break up the predictability. He went up to say, "it could be mass transit, or it could be public utilities, historical sites, or the media." Tightening security in one area will tend to push terrorists in other directions. One act of mass terrorism does not predict the next occurrence.

If we are going to look for biological and chemical attack next time, Admiral, let me just observe here, I understand the Department of Transportation is working with the FAA to identify explosive detection technology that can be used in the passenger rail environment. The current project apparently is focusing on using this technology on Amtrak's high speed Accela train which covers the Northeast Corridor. In addition, apparently DOD has entered into a partnership with the Department of Energy to develop chemical agent detection systems in the underground transit environment. The Washington Area Metro System is currently a testbed.

I would just like to observe that Georgia Tech, in my home state, has developed a small little glass chip just this size which can detect almost infinitesimal amounts of biological or chemical agents, and I pass that on to you so that your staff might want to contact Georgia Tech.

Admiral UNDERWOOD. We do have an office set up in the Research and Special Programs Administration to bring in just that type of information so that they can prioritize it.

Senator CLELAND. Within a couple of hours of the Pentagon attack, the FAA brought down all aircraft, which is a remarkable achievement. Do we have any kind of train control like that? If an attack happens on a train in America, do we have some centralized system that can respond to some coordinated strike, terrorist strike on the U.S. rail infrastructure?

Admiral UNDERWOOD. I understand your question, and that is one of the questions I had initially with the industry, and I am convinced that having a one set, stop all trains, is probably not in the wisest fashion good for security. My understanding of the rail industry is such, the dynamics of it is such that ordering trains to be stopped, just to stop them wherever they are, could possibly create worse targets than if you allow certain operations to continue, some to stop, some to be rerouted, and it is a very robust system. It requires just the kind of work they are currently putting into it.

Particularly, I look at the hazardous materials and where those are being transported around the country, what rails, do we want to divert these off the really good rail we have now off to some side

rail that maybe has not been inspected in a recent fashion and would then create an even greater hazard. We look at that. We are working closely—I am on a 24–7 call with the NSC. They have my number, and likewise I have a number to contact at the American Association of Railroads to get the same kind of threat information when we need to heighten the level of security.

So from that perspective, I would just offer that as one of the things we are doing.

Senator CLELAND. Thank you. That is good thinking. Thank you.

The Coast Guard, I am fascinated, the Coast Guard is in peacetime under the aegis of the Department of Transportation, but in times of war it is brought into the Navy. Do you see any kind of a role for the Coast Guard here under times of an emergency such as we are facing here, for the Coast Guard to be either supplemental to the Navy, or the Coast Guard to have a special mission, maybe tracking interception and so forth? Is there a way to use that framework to strengthen homeland defense and alleviate some of the stresses placed on Coast Guard resources?

Admiral UNDERWOOD. Senator, the Secretary has directed the Coast Guard and the Coast Guard is responding with their study group on homeland security. What this current force laydown is requiring of us, what the losses to the Coast Guard are in other mission areas, and what we need in order to regain those, and with respect to specifically our work with the Department of the Navy, the United States Navy, it is a longstanding one of daily interaction.

We have been working side-by-side with our Navy counterparts for as long as I have been in the Coast Guard in various missions. We have Coast Guard forces assigned to naval commands as I speak, and likewise naval forces working for the Coast Guard at various times, and all of this in an effort right now, they are joined in this Noble Eagle operation to bring security to our ports and waterways.

Senator CLELAND. Well, the USDOT administers the emergency preparedness grants program which helps state and local governments train police and firefighters to respond to an emergency situation involving hazardous materials. Now, currently that program is funded at only \$12 million, but that amount of money can only train about 120,000 emergency personnel a year out of a pool of some \$3 million. Do we, under this emergency situation, need to increase that, increase our aid to local firefighters and police in handling hazardous or chemical problems?

Admiral UNDERWOOD. One of the areas that my office is most focused in is in the prevention aspect, as opposed to the consequence management. We are more in the crisis management end of that, so I am not as qualified to respond to that as I would like to be.

I do know we have worked very closely with the state and local, as well as the national agencies that do oversee that program to ensure that they are getting training and the funding and the equipment. There is a concern that, while these are local and state first responders, that some of the responders in government such as the U.S. Coast Guard, which is in most of these local jurisdictions often a first responder, as a local arriving on a maritime

event may not be receiving the same amount of equipment and training.

Senator CLELAND. Thank you, Mr. Chairman.

Senator BREAUX. Thank you, Senator.

Senator Smith.

**STATEMENT OF HON. GORDON SMITH,
U.S. SENATOR FROM OREGON**

Senator SMITH. Thank you, Mr. Chairman, and thank you for having this hearing. I would ask that an opening statement of mine be included in the record.

Senator BREAUX. Without objection.

[The prepared statement of Senator Smith follows:]

PREPARED STATEMENT OF HON. GORDON SMITH,
U.S. SENATOR FROM OREGON

I want to begin by thanking Chairman Breaux for holding today's hearing. I know at this time we are all concerned about the security of our nation's transportation infrastructure. It is reported that 40 percent of terrorist attacks worldwide are targeted at transportation.

The tragic events of September 11 have focused new attention on land, air, and sea transportation safety and security. In the short time since the horrible attacks on our nation, two things have become very clear: (1) we must do more to protect the safety of the nation's traveling public and ensure the efficient movement of cargo, and (2) we must not allow the actions of any extremist to force fear into the traveling public.

Following the terrorist attacks, trains were stopped, ports were closed, and as we all know, airplanes were grounded nationwide. However, these actions were brief and in most cases lasted only as long as it took to check systems and execute pre-arranged plans for higher security. Today, cargo and passengers are moving safely.

According to the Bureau of Transportation Statistics, our nation's transportation system carried more than 14.8 billion tons of cargo and transported passengers more than 4.1 million miles in 1997, the last complete year for which they have statistics. Today those numbers are much larger and are expected to increase further as the volume of imports and exports continues to grow. With that volume of traffic, ensuring safety and security would seem to be an almost insurmountable task.

Admiral James Loy, Commandant of the U.S. Coast Guard, wrote in a recent article on homeland security challenges, "If the number of actors who conceivably threaten the U.S. homeland is daunting, the number and range of potential tools at their disposal is far more so. The number of differing means of attack is one of the principal difficulties in addressing Homeland Security." I agree with Admiral Loy that ensuring the safety of our homeland, and specifically our transportation system, is difficult, but would add, not impossible.

As I just noted, plans were already in place throughout our nation's transportation system to deal with major events, such as those of September 11. While these plans may not have anticipated a terrorist attack on two of the greatest symbols of our country's strength, they were designed to ensure the continued safety and security of the transportation system regardless of the target or means of attack.

While I am pleased with the quick response, not only from the Administration, Secretary Mineta and the Department of Transportation, but also the transportation industry itself, I know there is more we can do. To date, the primary focus of our discussions and new security measures has been on the aviation industry. This is completely understandable given the direct impact that the transportation sector suffered during the terrorist attacks. However, I believe it is time we broaden our view to ensure that every reasonable thing is being done to prevent further disruptions to the transport of passengers and cargo both domestically and internationally.

Today we are going to hear from witnesses from the railroad and maritime industry on the status of transportation within those two industries. I look forward to hearing from our witnesses on what steps their industries have taken to ensure the safety and security of both cargo and passengers in our nation's transportation system.

Again, thank you, Chairman Breaux, for holding this hearing. I am pleased to note that the Subcommittee will soon hold additional hearings to look at the security and safety of other modes of transportation.

Senator SMITH. Admiral, thank you for appearing here. You are going to hear a lot of mixed messages today, but I think clearly the central message is, we need to do business differently. We need more security.

But I also note for the record that, if you do everything that has been suggested here, we will have a police state and you still will not be able to assure 100 percent security. It behooves all Americans to be part of a security apparatus, and to be watchful and mindful, and it seems to me that if we want to interdict a lot of the terrorism that can come here, we had better do it before it gets to our shores, because we have got too many tracks and too many ports, and I cite an instance, an example that Senator Ensign shared with some of us this morning.

The FAA has had a few more procedures at airports. In his home town of Las Vegas, after the attack, their occupancy rate to Las Vegas had dropped 20 to 30 percent. This weekend, it was back to 100 percent, and to clear security it was costing, in time, 5 hours per passenger. I have got to tell you, that is at cross-purposes with our effort to get airlines up and going again.

We are sending you mixed messages—be secure, but keep things moving—so I want you to know some of us are hearing there are mixed messages going on here. We need more security, but we also need efficiency so as not to slow down our economy and retard some of the commerce that we are depending upon as a country to help get our economy moving again, so that is the predicate of what I wanted to tell you here today, but I also do have some specific questions.

Can you tell me, since September 11th, given the procedures you have put into place, what has it meant in terms of timing and moving commerce through our ports? Is there a backlog beginning to develop, as we are beginning to see at some airports?

Admiral UNDERWOOD. I have heard of backlogs at specific areas, primarily at the international borders, for cargoes coming into the United States, and those are across the land borders for heightened security reasons.

Senator SMITH. I do not want to tell you to lower security, so I want to ask you, can you maintain these higher rates of security but also decrease the time with which it is done? What do you need to accomplish that?

Admiral UNDERWOOD. That is a matter of personnel and hours in the day.

Senator SMITH. As Senator Boxer was saying, I want to know what you need. I am reiterating that. I really want to know how you get the security without the inefficiency that is going to be built into this unless we really get you the money and the resources and the personnel to do the job.

I would like to follow on to Senator Hollings question about port security. The Interagency Commission on Crime and Security in its findings reported that control of access at our seaports is part of our fundamental lack of security, and can you describe for this

Committee in general terms what land-side security is in place at our seaports? Do we have some?

Admiral UNDERWOOD. Well, to borrow a phrase from the airports, if you have seen one seaport, you have seen one seaport. Each seaport is different. Within particular seaports terminals are different, and are provided different levels of security. The State of Florida has most recently passed some fairly comprehensive legislation on seaport security, particularly from a land base that prescribes physical requirements to enhance the security, as well as other measures to ensure that personnel working within that port framework are not a detraction from the security environment.

The same measures, or similar measures were part of the President's Port Security Commission, and a broad discussion of that and a lot of the things that are captured in Senator Hollings' bill, 1214, drive toward that. When we testified back in May in favor of legislation to enhance port security, I did so from a perspective that if we can eliminate the elements that bring crime into our ports, we also are working against those elements that could bring terror to our ports.

I think in light of the events of September 11, I have to reassess not the vulnerability of our ports—the vulnerability remains high. It was high before—but the threat to our ports, which was at that time considered low. I have to reevaluate that threat based on the events and on the new information that we currently have.

Senator SMITH. Will part of that evaluation include background checks for individuals employed or seeking work at our nation's seaports? Is that one of the recommendations?

Admiral UNDERWOOD. That is what is generally contemplated.

Senator SMITH. And what is going to be done? Do you need more authority from us to do that, or is this something you can do without an action of Congress? I mean, I think that we ought to have security and background checks on every employee, and I think that is going to have to be part of our dragnet, if you will, to find out if our seaports are, in fact, safe.

Those who are working there I am sure would like to know that they are working with people who are not security risks to them and our country as well, so I would strongly urge that quickly be done, otherwise I think it is easy for some of us who are not as schooled in this as you, we can poke holes in the security we have in our seaports.

Mr. Chairman, my time is up. Thank you.

Senator BREAU. Admiral Underwood, thank you. Thank you, Senator Smith, and we will look forward to working with you as we further pursue different opportunities.

We would like to welcome our next panel, which consists of Mr. Ed Hamberger, President and CEO, Association of American Railroads, Mr. George Warrington, President and CEO of the National Railroad Passenger Corporation, Mr. Joseph Cox, President of the Chamber of Shipping of America, and Mr. Michael Crye, President of the International Council of Cruise Lines.

Gentlemen, welcome. Thank you very much. While we are letting you take your seats and prior to your testimony I want to recognize Senator Hutchison for an opening comment, since she was not able to make them previously.

**STATEMENT OF HON. KAY BAILEY HUTCHISON,
U.S. SENATOR FROM TEXAS**

Senator HUTCHISON. Thank you, Mr. Chairman, and I am going to have to make my comments and then leave, and I will come back if I can. I wanted to make a statement because I am very concerned about the proposals that are being put forward by Amtrak. As you know, Mr. Warrington, I have been the strongest supporter of Amtrak in the United States Senate, and have always said the reason I support Amtrak is because I believe in a national passenger rail option for America. Recent events have proven that if there is a viable option, that people will take the train, but this means that trains have to be reasonably predictable, and there should be a reasonable, stable base.

Now, I have gone along with the huge capital subsidies of the Northeast Corridor. The reason that the Northeast Corridor is more successful and more mature is because Congress has given capital subsidies through the years. The rest of the Amtrak system has been starved today. After all of our work and after all of the pronouncements that Amtrak would be a national system, I see a request for \$3.2 billion in emergency funding to improve security and increase capacity. Approximately \$471 million of this sum would be devoted to immediate security improvements such as security personnel, surveillance cameras, and bomb-sniffing dog patrols. I support that.

Unfortunately, of the remaining \$2.78 billion will be, only 7 percent able to be used outside of the Northeast Corridor. Instead of requesting funding to build service and capacity for a national system designed to help move passengers between cities across the country and provide alternatives for travelers who usually fly on short-haul routes nation-wide, you have used this opportunity to focus entirely on the Northeast Corridor, and I think you have neglected the national rail system, and I cannot support that. Unless we start evening out the federal subsidies so that there can be a skeleton of a national system that works, I am not going to continue to support Amtrak, and I want Amtrak, I want passenger rail, but I have to question your sincerity when you come up with a \$3 billion package mainly for the Northeast Corridor, when they have had the lion's share of the subsidies in the past, and that is why they are better.

So I am willing to go to bat for Amtrak as a national system, and to really try to infuse it. I think the long-term future is for Amtrak to have its own tracks so that you are not under the control of freight railroads, and I think it will take capital improvements to do that, clearly, but you are about to lose your second or third best supporter of Amtrak if you do not show that this is a national system. I am not going to continue to subsidize the Northeast Corridor without seeing the commitment to the national system.

Senator BREAU. Thank you, Senator Hutchison, and lest we lose the moment, let us start with you, Mr. Warrington.

**STATEMENT OF GEORGE D. WARRINGTON, PRESIDENT & CEO,
NATIONAL RAILROAD PASSENGER CORPORATION**

Mr. WARRINGTON. Let me make my statement, then I would like to address—

Senator BREAU. Yes, summarize your statement, and if you can get to Senator Hutchison's points it might be helpful.

Mr. WARRINGTON. In the context of this morning's discussion, the first thing I would like to say is that on September 11 Amtrak took an extraordinary set of actions across the system. This morning there was considerable concern about the pace with which some of the security issues have been addressed as a matter of national policy. I want to be very clear and unambiguous that the entire network, the system, the transportation system subsequent to these events is clearly vulnerable. I think we all clearly understand that. I want you to know that Amtrak has taken extraordinary actions over the past 2 to 3 weeks to begin to address a number of those vulnerabilities.

I will tell you, Senator Hutchison, I think you know that I am a very strong supporter of the national system. I will tell you also that this entire security package was focused around dealing with what really is a critical emergency need. It is focused around the tragedy that occurred on September 11. It is not intended in any way to signal a lack of interest, necessity or commitment to fully invest both capital and other resources in the national system to which we are all deeply committed to. The construction of that package and the concerns I heard from this Committee today have to do with pace. That package was put together very quickly in response to this Congress' concerns about immediate safety and security and capacity issues that could be accomplished and accommodated rapidly.

One billion dollars of that package is devoted immediately to overcoming the decades-old problem of life safety, ventilation and the like in New York's Penn Station tunnel complex, the Baltimore tunnel complex, and the Washington Union Station tunnel complex. The Baltimore tunnel complex was built in 1873, and the New York tunnel complex was built between 1911 and 1932. It is an aged complex. The Inspector General of the USDOT has highlighted this on many occasions over the last number of years, and we have been capital-constrained about addressing those kinds of issues.

With respect to the security and equipment package, Senator Hutchison, it is an investment around the entire system. It is a very balanced investment around the entire system. With respect to the equipment aspect of that package, which is roughly \$500 million, I will tell you that 50 percent of the overhauls associated with that program are on our long distance train network. We have plugged within that program \$420 million to give us flexibility to acquire new and additional equipment because it requires a long lead time on equipment procurements. When I went through our bookings this morning, I was advised, we are about 27 sleeper cars short for our long distance train network, based upon the booking levels that we have seen, not just to date, but through Thanksgiving. I agree with you completely that we need to be balanced; we need to be responsive to those needs.

The immediate emergency need, though, Senator, is primarily around the Northeast Corridor, and the life safety, capacity and reliability issues there. The security program is across this entire Na-

tional System as is the equipment overhaul program. I can break those numbers out for you subsequently.

[The prepared statement of Mr. Warrington follows:]

PREPARED STATEMENT OF GEORGE D. WARRINGTON,
PRESIDENT & CEO, NATIONAL RAILROAD PASSENGER CORPORATION

Mr. Chairman and Members of the Committee, thank you for the invitation to join you here today for this very important discussion.

I am also proud to introduce you to Chief Ernest Frazier, Chief of the Amtrak Police Department. The APD has been, for more than a decade, a nationally accredited police force, led and staffed by people with many years of experience. It works very closely in coordination with all of the relevant local, state and federal law enforcement agencies across the country, including the FBI Terrorism Task Force.

Like all Americans, we at Amtrak are enormously saddened by the horror of the tragedies in New York, Washington and Pennsylvania. But also like all Americans, we are taking greater precautions and doing everything we can to help our country cope. I am proud of all the hard work that has been done by Chief Frazier and the 24,000 men and women of Amtrak during the past 3 weeks. It hasn't been easy, but I believe we have risen to the occasion, and we remain committed as always to keeping America moving forward.

I want to emphasize that the safety and security of our guests and facilities is our number one priority. The national passenger rail system has a good record on this issue. And we are going to consult with our colleagues, study every angle, and take every appropriate measure to counter threats to our security and safety.

We face several unique challenges in this endeavor. The foremost challenge is the relatively open and intermodal nature of the passenger rail system. For example, on an average weekday, New York's Penn Station handles about 30,000 Amtrak passengers a day. But at least 300,000 additional passengers go through the station on the Long Island Railroad and New Jersey Transit. Thousands more use the station to transfer to New York City subways.

And Penn Station is not unique. For more than 20 years, transportation policy has encouraged an open, intermodal environment in virtually every train station in the country.

Further, I would point out that in Europe, Japan and other countries with a longer history of dealing with terrorism, you see much the same: open, intermodal passenger rail systems.

The other major challenge is that the majority of tracks we operate on are owned by the freight railroads. So we are working closely with the Association of American Railroads' task forces on physical infrastructure, operational security and information security—and we will continue to develop new policies and procedures with them as needed.

As I mentioned before, Amtrak has been operating on maximum alert since September 11. Within moments of the tragedy, we suspended all Amtrak service nationwide to allow for a top-to-bottom security sweep. All trains, tracks, bridges, tunnels, stations and other facilities—including those controlled by others—were inspected within hours, and security personnel remain stationed at all facilities 24 hours a day, 7 days a week. Entrances and exits are being patrolled, and access is being restricted.

Last week, we implemented a new policy requiring Amtrak guests to present valid photo IDs and answer security questions when purchasing tickets or checking baggage.

We have created a computer program that automatically cross-checks ticket purchases and reservations—whether they are made at a ticket counter, a QuikTrak machine or online—against the FBI watchlist on a real-time basis.

Very shortly, we will be suspending on-board ticket sales in the Northeast Corridor between Washington, New York and Boston—which means that every guest that boards a Northeast Corridor train will have been reviewed for security purposes.

We believe these policies strike the right balance between providing greater security and maintaining the kind of open, intermodal design that underpins virtually every rail system in the world.

Going forward, we are committed to doing everything necessary and reasonable to improve our security further. We at Amtrak have created an internal task force with representatives from our police, operations, safety and engineering departments—all of whom are working very hard to develop and implement additional measures.

In response to Congressional requests, we have submitted a \$3.1 billion September 11 Response Package, which breaks out like this:

- First, about \$1 billion is devoted to bringing railroad tunnels in the New York, Washington and Baltimore regions up to modern standards for fire- and life-safety protection.
- Second, about \$531 million is devoted to deterrence, vulnerability reduction and emergency response efforts. This will include new lighting, fencing, security cameras and access-control systems; the hiring of additional police and security officers and K-9 units; improvement of our command-and-communications systems; additional training in anti-terrorism and security measures; and hazmat detection and response systems.
- Third, about \$949 million is needed for Northeast Corridor capacity and reliability measures, to handle the increased traffic we are experiencing and to improve passenger flow; and
- Finally, \$660 million is devoted to equipment repairs, upgrades and acquisitions to handle increased demand nationwide.

Mr. Chairman, these are steps that we are confident we can implement quickly to further enhance the security, safety and capacity of our passenger rail system. The benefits of this package would be very significant:

- We will reduce risks and meet higher public expectations about the security of our passenger rail system;
- We will speed the installation of critical ventilation, fire- and life-safety systems in our tunnels, bringing them up to modern standards; and
- We will build a more reliable, flexible fleet to accommodate changing consumer demand.

Before closing, I would like to spend just a moment explaining some of the immediate steps we took in response to the national emergency. As soon as we determined that our system was safe on September 11, we began putting every available piece of equipment back into service and accepting the airline tickets of stranded travelers. For several days, we were one of the only transportation options around the country.

As you may have seen in the media, our ridership has jumped by 10 percent to 15 percent on a national basis since the attacks. Ridership on the high-speed Acela Express is up by as much as 45 percent; and long-distance trains are up about 12 percent. As we go forward, we believe there are several factors that are likely to cause a sustained increase in demand.

In addition to helping thousands of ordinary travelers, we were honored to provide free transportation to the families and friends of many of the victims; and to firefighters, police officers, medical teams, airline crews and public officials. We've delivered relief supplies for the American Red Cross. We've even carried hundreds of extra carloads of U.S. Mail.

Mr. Chairman, in closing I want to reiterate that the passenger rail system has a good record on security issues, but we also have some unique challenges. And it is my commitment to you and to every American that we will work with our colleagues in the transit and freight railroads, and everyone involved in this enterprise, to do what is necessary to provide every guest on our trains a safe, comfortable traveling experience.

Thank you, and I will be happy to answer your questions.

Senator HUTCHISON. Mr. Chairman, I thank you for letting me speak. I do have to leave.

Senator BREAU. Do you want to follow up?

Senator HUTCHISON. Frankly, we have subsidized the Northeast, and I cannot support something until I see a full package, with a full commitment in one package.

Thank you.

Senator BREAU. Mr. Hamberger.

**STATEMENT OF EDWARD R. HAMBERGER, PRESIDENT & CEO,
ASSOCIATION OF AMERICAN RAILROADS**

Mr. HAMBERGER. Thank you, Mr. Chairman. On behalf of the AAR members, thank you for the opportunity to appear today, and I would like to extend the condolences and the sympathy of the AAR and its members to the families and friends of the victims of the terrorist attack on September 11. We heard here this morning the admonitions from Chairman Hollings for rapid response, and from Senators Rockefeller and Snowe for dynamic long-term planning. I would like to address my comments in those two areas.

The freight railroads did react swiftly to the events of September 11, in full cooperation with the Government authorities. In the immediate aftermath of the attacks we tightened security, restricted access to important facilities, reduced speeds, intensified track inspections across the system, added additional guards at key locations, and rerouted selected trains.

I would like to take a moment to salute our own internal police forces and our chiefs of police who have been working around the clock since September 11. Today, rail has remained in 24-hour, 7-day-a-week communication with the U.S. Department of Transportation intelligence and security personnel, the FBI, the National Security Council, and state and local law enforcement officials, and I would like to thank Admiral Underwood for the leadership he has exhibited at DOT in providing the needed intelligence data to the industry so that we can assess the risk and deploy our assets.

We still have enhanced surveillance of operations and fixed assets. We have increased patrols. We have restricted access to our facilities. We have increased track inspection. We have restricted information available over the Internet regarding military movements and hazardous material movements, and we of course have had enhanced security briefings, turning over 200,000 railroad employees into sets of eyes and ears gathering intelligence in the field.

Turning to the longer term, in light of September 11 the AAR board of directors, on September 19, I might add, 8 days later, established five critical action teams. I want to emphasize that each of those has the full participation of our Canadian and Mexican members, as well as representation of the shortline rail industry. The five teams are, information technology and communications, examining the security of communications and control systems and information systems, including cyber threats; physical infrastructure, which is addressing the security of the physical assets, such as bridges, dispatch centers, tunnels, as well as cross-border issues; operational security, addressing issues to minimize exposure to unplanned occurrences while trains are actually moving; hazardous materials, which cuts across several of these Subcommittees, but so important we formed a special team that is working with the chemical industry and tank car manufacturers to examine additional security options, including surveillance, routing, remanufacturing and packaging with an emphasis on materials that pose the greatest potential safety risk; and fifth is military liaison, building on close existing working relationships with the Department of Defense to meet the capacity, security, and specialized equipment of military requirements.

Each team is assessing short-term and long-term vulnerabilities in the area of people, process, and technology. I am sorry Senator Cleland left, because we are looking for new technologies to assist us in this area. The teams will develop an array of counter-measures which will be assessed for their effectiveness to prevent and mitigate a terrorist attack.

To assist us in this effort, Mr. Chairman, we have retained a group of former U.S. military and civilian security and intelligence experts who will help us evaluate our security systems from the perspective of a terrorist. Notwithstanding all of our efforts there is no 100-percent guarantee against terrorist assaults. Fortunately, railroads already have long-established programs and procedures to protect our employees and the communities in which we operate, as well as to sustain the flow of freight.

These include emergency response plans for hazardous materials incidents, operational redundancy, and the training of rail employees and public emergency response personnel. These programs and procedures can and will be invoked if there is a terrorist attack involving railroads, but let me reemphasize, the total focus of the effort is to detect and prevent terrorist attack. Again, let me emphasize the importance of intelligence in being able to do that.

We have a weekly meeting with our CEOs, who are, as you may know, not in the habit of meeting for meetings' sake. We begin each meeting and end it with a question, are we safer today than we were yesterday? That is our focus, and we will continue to work in that regard, and Mr. Chairman, I thank you for addressing this important issue and, having this Committee hearing. We are saddened by the events that precipitated it, but appreciate your leadership in addressing the important issues before us.

[The prepared statement of Mr. Hamberger follows:]

PREPARED STATEMENT OF EDWARD R. HAMBERGER,
PRESIDENT & CEO, ASSOCIATION OF AMERICAN RAILROADS

On behalf of our members, thank you for the opportunity to meet with you today to discuss the important issue of railroad security. The Association of American Railroads (AAR) represents the major North American railroads, which account for the vast majority of rail mileage, employees, and revenue in Canada, Mexico, and the United States.

The AAR and its members join the rest of our great nation in extending our sympathy and condolences to the victims of the terrorist attacks on September 11, to their families, and to their communities. We offer our thanks and support to those who have been working so diligently in search and rescue operations, and we express our firm hope and confidence that all of the perpetrators of the attacks will be found and punished.

The rail industry reacted swiftly to the events of September 11, in full cooperation with government authorities. In the immediate aftermath of the attacks, railroads tightened security and intensified inspections across their systems. Major railroads, which maintain their own police forces to help assure the security of employees, property, and freight, put enhanced security plans in place. Access to important rail facilities was restricted. Movement of freight to the New York area was suspended completely until the immediate threat was over.

At the same time they were attending to security issues, though, railroads realized they had a responsibility to keep our nation's vital rail-transport link open, and they have done so. Full service has been resumed as quickly as the railroads, in cooperation with the U.S. Department of Transportation, determined it could be. Even in the hard-hit area around New York City, freight trains are again doing what they do every single day of the year—moving the raw materials and products that sustain our nation's economy. The entire rail industry—passenger and freight,

front line employees and management, customer and carrier—all reacted with courage and resolution.

Today, railroads remain in 24 hour/7 day a week communication with U.S. Department of Transportation intelligence and security personnel, the FBI, the National Security Council, and state and local law enforcement officers, and have plans in place to respond immediately to credible threats to our transportation network.

To further address significant security-related issues, the AAR Board of Directors has established five critical action teams, each led by a senior railroad or AAR executive and each involving the full participation of AAR members, including our Canadian and Mexican members. The overarching focuses of these critical action teams, which are outlined below, are (1) to ensure the safety of our employees and the communities in which we operate; (2) to protect the viability of national and regional economic activity; and (3) to ensure that railroads can play their vital role in the military mission of our nation. In addition, freight railroads will cooperate fully with the critical action team dealing with rail passenger security.

The five critical action teams established by the AAR are:

1. *Information Technology and Communications*

This critical action team is examining the security of communications, control systems, and information systems for the industry, including redundancy and data confidentiality. An ongoing examination of issues related to cyber security has been folded into this effort.

2. *Physical Infrastructure*

This critical action team is addressing the security of physical assets such as bridges, buildings, dispatch centers, tunnels, storage facilities, and other structures. The team is also addressing cross-border and port “gateway” physical security issues.

3. *Operational Security*

This critical action team is addressing issues to minimize exposure to unplanned occurrences while trains are in operation. The team is analyzing potential types of occurrences, their probability, and their consequences, as well as addressing the issue of fuel supply.

4. *Hazardous Materials*

This critical action team is working with the chemical industry and tank car manufacturers to examine the transport of hazardous materials by rail—including surveillance, routing, remanufacturing, and packaging—with emphasis on materials that pose the greatest potential safety risk.

5. *Military Liaison*

This critical action team is augmenting the already existing close working relationship between railroads and the Department of Defense to determine immediate and ongoing military traffic requirements and to identify capacity, security, and equipment needs of the industry to meet military demand. Railroads are confident that, if called upon, they will be able to match their performance during the Persian Gulf War, when they and other transportation providers accomplished one of the greatest mass movements in history in a way that was “so smooth it is almost as if there isn’t a war going on,” according to a spokesman from the Army’s Military Traffic Management Command at the time.

Each of the critical action teams described above is working quickly but carefully. They are assessing short-term and long-term vulnerabilities in the areas of people, process, and technology and are developing an array of additional countermeasures. These countermeasures will be deployed to prevent, detect, and mitigate any terrorist attack. To assist us, we have retained a group of former U.S. military and government security experts who bring a valued perspective to our evaluation. The analyses and action plans generated will form the basis for additional measures deemed necessary to enhance the security of our nation’s freight rail network.

Notwithstanding all of our efforts, experts will tell you there is no 100 percent guarantee against terrorist assaults. Fortunately, railroads are accustomed to operating in adverse conditions. In order to respond to, mitigate, and minimize the impact of dangerous and unusual incidents, railroads have established and practiced programs and procedures to protect the communities we serve and our employees, and to sustain the fluid flow of freight on which our economy depends. These programs and procedures include the establishment of emergency response plans for

hazardous materials incidents and natural disasters, operational administration redundancy, and the training of rail employees and public emergency response personnel. These programs and procedures can and will be invoked in the event of a terrorist attack involving railroads.

Finally, a terrorist action against railroads could have ruinous consequences for the railroad industry itself, thereby jeopardizing the critical role railroads play in our economy. AAR member freight railroads have already been notified by their insurance companies following the events of September 11 that the railroads' liability insurance premiums will be increased substantially and some coverage may be eliminated when renewals come up. As a result, the rail industry notes with interest the insurance assistance and the limitations on liability afforded the airline industry in the recently enacted "Air Transportation System Stabilization Act." We believe that railroads, as common carriers, should be afforded similar liability protections and insurance relief.

We are deeply saddened by the events that precipitated this hearing, but we commend this Committee's leadership in addressing the important issues before us.

Senator BREAU. Thank you. Mr. Crye.

**STATEMENT OF J. MICHAEL CRYE, PRESIDENT,
INTERNATIONAL COUNCIL OF CRUISE LINES**

Mr. CRYE. Good morning, Mr. Chairman, Senator Smith. My name is Michael Crye. I am the president of the International Council of Cruise Lines. I have a rather lengthy prepared statement that I would like to ask to be inserted into the record.

Senator BREAU. Without objection. You may summarize it.

Mr. CRYE. The cruise industry's highest priority is to ensure the safety and security of its passengers and crew, and we are working very closely on a daily basis with federal, local, and state authorities to ensure the highest level of safety for our passengers and crew. The cruise industry in the United States is roughly an \$18-billion a year industry, and 257,000 American jobs are created by the industry.

A cruise ship is inherently secure because it is a controlled environment with limited access, one way on, one way off. Security plans on cruise ships have been in place since 1986, when the International Maritime Organization adopted measures to prevent unlawful acts against passengers, and again in 1996 when the United States Coast Guard issued federal regulations with respect to passenger terminal and passenger ship security in the United States.

All of the membership of the International Council of Cruise Lines, which I represent, have security plans on file with federal agencies and with the Coast Guard. The security plans are reviewed every year by the Coast Guard and by the National Maritime Center of the Coast Guard. These particular security plans have automatic levels of threat assessment involving vulnerability assessment, and have different levels of requirements for security.

The three levels of security are low, medium, and high, and the industry is currently operating at level three, the highest level. The protection of all ships in port is provided by a combination of several law enforcement agencies, including federal, state, and local. The Coast Guard is responsible for the overall security and safety of the port, and has designated some of the responsibility to local port authorities as well, and in some cases terminal operators.

All of our ships have on-board security staff that are fully trained and are oriented to the IMO safety requirements as well as the

Coast Guard regulations. Today, on board a cruise ship you will expect to find exactly the same kind of screening process that you will experience going on and off an aircraft. You will need positive identification, 100 percent of your luggage and carry-ons will be searched either by X-ray or by dogs, or hand searched.

You will have to pass through a metal detector. All supplies coming off and on-board the ships are screened and inspected for any type of security threat. We are communicating by conference call on a daily basis. The first call occurred the afternoon of September 11—with all of our member lines' chief executive officers participating. The next morning we also began daily conference calls with our security managers, as well as our operations folks. Those particular security and operational calls have continued on a daily basis ever since September 11. The Coast Guard, the Department of Transportation, the Immigration and Naturalization Service are participating in those calls.

We began a coordinated approach to try to establish a uniform national requirement for security, but each Coast Guard captain of the port has some delegated responsibility to take unilateral action above what is required on a national basis. Various captains of the port have, in fact, established additional security requirements.

At the Port of Portland, Maine that Senator Snowe mentioned earlier, that particular Coast Guard captain of the port is to be congratulated for establishing additional requirements on the spot that he felt were necessary to achieve the appropriate security levels in that particular port. Those particular security levels and security requirements he established were communicated immediately to the cruise ship industry and the various cruise ships that were trying to sail into Portland.

We also have open lines of communication through our security management system with the Federal Bureau of Investigation, the Department of Defense, the Department of State, and Customs. We have high-tech communications and separate communications systems that are available to ensure that there are alternate means of communications with all of these federal agencies that are concerned with security. Again, our highest priority is to ensure the safety and security of our passengers and crew, and we believe that we have done a good job of addressing these issues in the past several weeks.

Thank you, sir.

[The prepared statement of Mr. Crye follows:]

PREPARED STATEMENT OF J. MICHAEL CRYE,
PRESIDENT, INTERNATIONAL COUNCIL OF CRUISE LINES

Mr. Chairman, my name is Michael Crye, and I am the President of the International Council of Cruise Lines (ICCL). I am pleased to appear before the Subcommittee today to discuss the increased security efforts that have been implemented by the cruise industry in response to the terrorist attacks on September 11. With me here today is Captain Ted Thompson, the Executive Vice President of the ICCL. His duty involves coordination of security and operations for our membership. We are shocked and deeply saddened by the attack on America and the tremendous loss of life that resulted from this national tragedy. In light of these recent events, we have heightened our already strict levels of security even further, and our cruise lines have been working on a daily basis with all appropriate federal, state, and local agencies to ensure that traveling Americans are protected to the maximum extent possible.

ICCL is a non-profit trade association that represents the interests of 16 of the largest cruise lines operating in the North American cruise market and over 73 Associate Member companies that are cruise industry business partners and suppliers. ICCL member cruise lines serve major ports in the United States and call on more than 400 ports around the world. Last year, ICCL's member lines carried more than 7 million passengers on 95 vessels.

We welcome the opportunity to appear before the Subcommittee today to review and discuss our industry's efforts to ensure the safety and security of all of our passengers and crew. The cruise industry's highest priority is to ensure the safety and security of its passengers. A cruise ship is unique in that it is inherently secure because it is a controlled environment with limited access. However, in order to maintain this secure environment, cruise lines have established strict and highly confidential ship security procedures that cannot, for obvious reasons, be discussed in detail. These procedures are, in part, outlined in measures set forth by the International Maritime Organization (IMO), and the regulations established by the U.S. Coast Guard (USCG). In the United States, the USCG oversees the enforcement of these security measures. Regulations address both passenger ship and passenger terminal security and outline methods to deter unlawful activities onboard passenger vessels.

In 1986, the IMO adopted *Measures to Prevent Unlawful Acts Against Passengers and Crew*. These measures address restricting access to authorized personnel onboard the ship and at the passenger terminal, and monitoring the flow of materials and consumable supplies brought onboard a ship. Security procedures within these measures include inspection of all carry-on baggage and the use of metal detectors for embarking passengers. Strict passenger screening to prevent unauthorized entry or carriage of weapons onboard is only one component of the security procedures implemented to deter unlawful acts on board and to provide for the safety of all passengers.

In 1996, the USCG implemented an Interim Final Rule on *Security for Passenger Vessels and Passenger Terminals*, which was finalized in October of 1999. This rule sets three levels of security (low, medium, and high) based on the nature of the threat received and requires vessel operators and port terminal operators to adjust security levels accordingly. These regulations also require ship operators to submit Comprehensive Security Plans to the USCG for review and acceptance. All ICCL member lines have submitted the required security plans. These plans have been accepted by the USCG and are audited annually. The security plans, which are sensitive law enforcement documents and therefore not available to the public, include the following major components:

- Identification of three levels of security and specific procedures to follow at each level
- Prevent unlawful acts on board
- Prevention and deterrence of weapons and other unauthorized items onboard
- Prevention and deterrence of unauthorized access to vessels and restricted areas
- A security officer onboard every passenger vessel
- Security training for all crew members
- A security plan that is coordinated with the terminal security plan
- Reporting of violations and unlawful acts
- Annual security audits for each ship and reviews by the USCG

Passenger vessel security plans and their amendments are reviewed by the USCG National Maritime Center and inspections are conducted by the Captain of the Port to verify that all security practices and procedures are effective and up-to-date.

The U.S. Department of Transportation Office of Intelligence and Security and the USCG Commandant direct the implementation of nationwide and local security levels. Domestic threat advisories are provided to the industry summarizing the nature of the security threat and specifying changes to security levels both locally and nationally. As a result of the attacks in September, implementation of Level III security was directed by the U.S. Coast Guard at U.S. ports. ICCL member operators reported that they implemented Level III security measures even before it was ordered by the USCG.

Security Level III is the highest level of security set by Coast Guard Passenger Vessel Security regulations. At U.S. cruise terminals, passenger vessel security measures include passenger screening procedures similar to those found at airports.

This includes 100 percent screening of all passenger baggage, carry-on luggage, ship stores and cargo, and also includes higher levels of screening of passenger identification. Official passenger lists are carefully reviewed and proper identification is ensured before anyone is allowed to board the vessel. Even before the attacks of September 11, all passenger lists were made available to the INS and Customs for screening. Passenger identification is now subject to even stricter scrutiny and the industry is working closely with the INS and other federal agencies to ensure that those passengers suspected of being on the INS "Prevent Departure" list are reported to the federal authorities for further action.

Another component of Level III Security requires ship operators to restrict access to authorized personnel and to identify restricted areas on the vessel that require positive access control such as intrusion alarms, guards, or other measures to prevent unauthorized entry. Restricted areas on a vessel will include the bridge, the engine room, and other areas throughout the ship where operations are conducted. Other onboard security measures, not generally discussed for obvious reasons, are employed to maximize shipboard security and to deter unauthorized entry and illegal activity. Every vessel has a trained security staff responsible for monitoring activities and responding to any suspicious activity that may jeopardize the safety of the passengers and crew.

For many years, the cruise industry has been pro-active in developing effective security measures and has looked for ways to increase passenger safety. In fact, most ICCL member lines now utilize advanced technologies to control access to our vessels. The Passenger Access Control System, that has been installed on most of our member's vessels, utilizes a passenger identification card that takes a picture of the passenger at the time of boarding and scans the picture into an onboard computer. During the course of a cruise, the identification card is presented each time a passenger departs or boards the vessel. The picture appears on a computer screen that is matched against the person's face for identification purposes before they are allowed to board the ship. This new technology is part of an overall onboard security system that further enhances the proper identification of all passengers and crew boarding the vessel.

Since 1998, ICCL and its member operators have been members of the U.S. Inter-agency Task Force on Passenger Vessel Security. This group meets every 60 days to discuss emerging security issues, receive updated threat information, and address specific security concerns. Since September 11, the ICCL Security and Operations Committee members have efficiently communicated and resolved problems in daily conference calls with all of the appropriate federal agencies. This information exchange has proven to be valuable both to our member lines and the federal agencies involved as we mutually address matters impacting both ship operations and security. We are committed to providing the highest levels of security for our passengers and to working with appropriate federal agencies to address additional security measures that may become necessary.

Mr. Chairman, we in the cruise industry, believe that our security plans and working relationships with regulatory agencies are accomplishing many of the goals of the Port and Maritime Security Act of 2001. The collaboration and cooperation of all agencies and industry exhibited since the events of September 11 are also accomplishing many of the goals of this legislation. Of course all of the additional security measures that we have put in place are consuming resources and money at a rapid pace. I would urge you to ensure that there is adequate funding that comes with any additional mandates that you place on agencies, ports or industry in this legislation. These are challenging times, but our industry pledges its cooperation in working as partners to maintain the outstanding safety record of the cruise industry. As I stated before, the highest priority of the cruise industry is to provide a safe and secure vacation experience for our passengers.

This country can and will unite to exercise one of our most cherished freedoms, the freedom to travel. It is up to us to ensure that we protect not only the freedom, but to ensure that those whose goal it is to disrupt our way of life are not successful. We, in the cruise industry, will do everything possible to protect those who choose this outstanding and safe vacation option.

Thank you for the opportunity to appear before you today.
GOD BLESS AMERICA.

Senator BREAU. Thank you, Mr. Crye. Mr. Cox.

**STATEMENT OF JOSEPH J. COX, PRESIDENT,
CHAMBER OF SHIPPING OF AMERICA**

Mr. COX. Thank you, Mr. Chairman. With your permission, I will submit my testimony for the record and make some extemporaneous remarks. Thank you.

Mr. Chairman, the Chamber of Shipping of America is the American Shipowners' Association. We trace our roots back to 1917, and we represent all types of vessels, including crude and product tankers, container ships, chemical tankers, ro-ro ships, and bulk carriers.

The first thing we would like to do, Mr. Chairman, is through your Subcommittee offer our deepest sympathy to the family and friends of those who have been terrorized through these acts. Not only the victims and the families have been victimized, but we ourselves, as the American people, have been victimized. The day following the attacks the Chamber of Shipping of America received letters of sympathy from our international colleagues at the Baltic and International Maritime Council, the International Chamber of Shipping and Intercargo. Together, those organizations and ourselves represent probably 90 percent of the world's ships.

Mr. Chairman, CSA is involved in both U.S. domestic and international trade issues, and two key points we would like to place before the Subcommittee is that the maritime is a basic tool of trade for the United States, and in that trade we are a world leader in establishing policies to be followed. What we do in our country as a result of these actions is going to have repercussions around the world, not just in the United States, and the volumes of trade involved have to be appreciated by the American public. Two aspects of that trade are oil and containers that carry our general cargoes in and out of the country.

With respect to oil, the United States consumes somewhere near 18 million barrels a day, and a barrel is 42 gallons, and so we are consuming somewhere about 750 million gallons of oil a day. We import around 8 million barrels of that via ships. Gasoline and heating oil move along our coasts on vessels, and Alaska itself contributes about a million barrels a day of oil to our nation's needs.

With respect to containers, there are approximately 18 million or so containers that are imported and exported from the United States. Our imported containers number around 11 million. Average a day would be about 30,000, but I think that average is misleading, given that there are some ports with extremely large numbers of containers crossing the dock within a period of time.

Mr. Chairman, Committee members, the primary focus of ship operations has been, and I think will continue to be, an efficient movement of the cargo, and that efficiency has inured to the benefit of the American public and the world's public. Whatever changes we have to make, we have to absorb within that trading system.

The industry characteristics have shifted quite dramatically in the past 25 years. We no longer have a world maritime trade which is dominated by a few major maritime nations. We have a maritime community where the shipowner can be of one nationality, the vessel could be another nationality, the mortgage bankers can be a third nationality, the actual operator of the ship, the people on

board the ship as officers and the people on board as crew could all be different nationalities.

Two present actions can be seen as ship-specific, that is utilizing the ship as a mechanism for damage or seeing the ship as a target from outside. I think both have to be viewed in terms of what the potentials are. The single answer that we have today is stepped up vigilance and scrutiny of our operations. The maritime community does not operate in a regulatory vacuum. We operate with a great amount of federal oversight. We also operate with a great amount of commercial oversight over these transactions that take place with ships. We have to make everyone in that process aware that they have to be watching for aberrations in the system, and no longer just wonder what is happening, but ask questions about it.

Last week, we were very active with a request from the United States Coast Guard that vessels send in their advance notice of arrival 96 hours in advance versus the 24 hours that is in the regulations now. The Coast Guard indicated that they are working on a regulation. We understand that, but we have instituted a voluntary practice of trying to get those crew lists and the advance notice to the Captain of the Port as soon as possible. We have asked ships, and they have told us, that they are controlling access to their vessels in foreign ports to the extent that they can, limiting it to business personnel.

We have recommended that the ships maintain a watch not only in foreign ports but in our ports on the water side. Ship communication should always be open. We think that the U.S. pilots who do an excellent job moving these vessels, very large vessels, I might point out, into our ports should maintain some type of constant shore contact. We believe they do. We believe that can be built upon in terms of our protection.

We think the VTS monitors many aspects of trade in and out of the United States. The Vessel Traffic Service should be enhanced. Agents and other shore personnel should be questioning what happens. Ports and terminals should limit access of personnel to the port and terminals that have business to be there.

The oil terminals, we understand, in this country have a closed gate policy now. If you do not have business on that ship, you are not going to be in there, and if you do have business, you are going to have to prove what that business is, and also the identification of yourself.

We should also at the same time take care not to put undue burdens on American citizens manning our tankers and cargo ships plying along our coasts. Those are the very people we are going to have to rely upon should there be an escalation that necessitates actions in maritime.

Mr. Chairman, I am going to conclude by saying we must have national uniformity, including activities on our public and private terminals, and we certainly want to work with our administration and the U.S. Coast Guard to that end.

I want to thank you for the opportunity to testify, and we certainly are here to respond to any questions. Thank you.

[The prepared statement of Mr. Cox follows:]

PREPARED STATEMENT OF JOSEPH J. COX,
PRESIDENT, CHAMBER OF SHIPPING OF AMERICA

Thank you Mr. Chairman. It is a pleasure to testify before your Subcommittee on this important topic.

I am Joseph J. Cox, President of the Chamber of Shipping of America (CSA). The Chamber represents 21 U.S. based companies that own, operate or charter ocean-going tankers, container ships, chemical tankers and other merchant vessels engaged in both the domestic and international trades. The CSA also represents other entities that maintain a commercial interest in the operation of such oceangoing vessels.

Before starting my testimony on the subject, I would like to take a few moments to express the deep sympathy of the maritime community to the victims and families and friends of victims of these terrorist attacks on American soil. We watched in horror, as virtually all the nation did, as the World Trade Center towers collapsed. Many of our friends and colleagues worked in or near the disaster and we were relieved when we heard reports of the safe exit of many; we mourn and pray for those who are lost. The day following the terrorist attacks, CSA received letters of condolence and support addressed to the U.S. maritime community from our international colleagues at the Baltic and International Maritime Council, the International Chamber of Shipping and Intercargo. We thank them on behalf of our industry. Every day as we commute past the Pentagon, we are reminded of the damage and loss of life. Pictures do not do justice.

Today, CSA has been asked to discuss security issues within the maritime industry. We will start with a brief description of the types of vessels involved, the trades and terminals. We will then describe ship operations, company activity and interface with government agencies. This will be followed by a general description of cargo movements and we will conclude with a description of steps being taken and some recommendations.

Chamber of Shipping of America—International and Domestic Responsibilities

CSA traces its roots back to 1917 and the development of the first international treaty on maritime safety. Since that time, the U.S. has had extensive dealings with the international community on maritime matters. We mention this because it is critical to recognize two very important points: the maritime industry is the basic tool of international trade and the U.S. has been one of the leaders in the development of policies for this industry for decades. At the same time, we have an extensive trade in our waters among U.S. companies. The needs of the U.S. for a secure waterfront will have an impact on our ships and the ships of our trading partners. We should recognize that ships are the critical mechanism for the United States in its world trade leadership. Ships are the lifelines of trade from other nations to the U.S. and from the U.S. to the rest of the world.

Types of Ships

CSA represents all types of ships that carry cargo. These include container ships, tankers, both crude and product tankers, roll-on roll-off ships, integrated tug-barge units and large coastwise barges. Our members are involved in operating ships, chartering ships, arranging for crew and pilotage, government inspections, insurance surveys, complying with laws and regulations, responding to customer requests and generally keeping the maritime commerce of the country on the move.

Container ships, which are a U.S. invention, are designed to carry intermodal containers. An intermodal container can be one of a number of lengths although the most prevalent is the 40-foot container. This is recognized by probably all Americans as the standard truck size that we encounter on our highways. Many of the trucks encountered by the U.S. driving public are actually containers that were only a short time previous on an ocean voyage. The efficiency of the system is based on the ease with which a container can be dropped off at a loading point inland, loaded by the manufacturer, sealed, transported to a port, loaded onto a ship, transported across the sea, unloaded at another port, transported to the inland destination where the seal is broken by the recipient and the container unloaded. Container ships vary in size and are referred to by the number of containers they carry. The carrying capacity is "20 foot equivalent units" or "TEU"s. The 20 foot container was the prevalent size when container ships were being developed. These containers carry the vast majority of the U.S. trade. In 2000, there were over 17 million TEU's moved across U.S. docks. If domestic containers are counted, the figure is well over 20 million. Container ships have grown in size over the years in the drive for more efficiency. The ultimate recipients of the benefits of that efficiency are the public.

Tankers are the primary source of transporting the crude oil the U.S. imports and provide a substantial amount of the transport needs to move products such as gasoline and heating oil. Crude oil is both U.S. produced and purchased from foreign sources. Our foreign purchased crude can be what is referred to in the business as long-haul or short-haul crude. A short-haul, for example would be from Venezuela and a long haul would be, for example, from the Arabian Gulf. At present, the U.S. consumes a bit over 18 million barrels per day of crude oil. (The oil industry refers to oil in terms of barrels. A barrel is 42 gallons so the 18 million barrels per day consumption is over 756 million gallons.) Approximately 18 million barrels of this production is domestic. The remainder comes from a variety of sources including the Gulf. The latest figures show 2-3 million barrels, or 11 to 15 percent of our consumption from the Gulf. Most of the imported crude arrives on Very Large Crude Carriers (VLCCs). VLCCs are too large for U.S. ports so when they arrive, they are lightered so that they can enter a port or they may be completely lightered and not physically enter port.

Lightering is the act of transferring oil to smaller tankers, which can enter the port at a shallower draft, for movement into the terminal. Both the VLCC and the smaller tanker are most often foreign flag. A common size VLCC holds around 2 million barrels so, on average, there are three VLCCs completely unloaded every day in or near our territorial waters. In actuality, since the lightering can take a week, there is a larger number of VLCCs near our coast than the barrel delivery number would indicate. There is a considerable amount of oil moved from our Alaska fields amounting to nearly 1 million barrels per day. Since this is a domestic movement, U.S. flag tankers do that carriage. The movement of gasoline and heating oil along our coasts is performed by smaller size product tankers and ocean-going barges. These are also U.S. flag vessels.

Other types of ships call at our ports such as bulk ships which most frequently call at our nation to load our bulk exports including grain, coal and fertilizer. Chemical tankers are a smaller tanker than their crude oil cousin and are specially designed to carry various chemicals in bulk.

The ships carrying our trade are in the main foreign flagged. From the time trade began, ships have been registered in a particular nation. When registered, the ship then flies the flag of that nation at its stern. This told the rest of the world what laws the ship was operating under relative to mortgage laws, seafarer rules and other national regulations. Not too many years ago, the nationality of the owner of the ship, the operator and the crew were the same. As it has developed, we must be aware that the reality today is that the beneficial owner may be one nationality, the operating company another nationality, the officers on board can be a mix of nationalities and the unlicensed crew still another mix. Throughout all the trade and logistic changes throughout the industry, there has been an increase in concern with safety and environmental protection and development of technology to protect the asset. The number of ship loss incidents has decreased dramatically in the past 25 years and the efficiency of the system has had an equally dramatic rise. This situation is the reality we work with today.

Ship Commerce

As we look at ships in our ports and harbors, it will be helpful to understand the number of people involved and, from there, consider what responsibilities various parties have. A ship loads at one or a number of foreign ports and, whether on a strict schedule or otherwise, at some point, takes a departure from the final port and heads to the U.S. On board will be the cargo with proof of ownership and other documentation that is a part of the commercial world. The ship itself will have on board a number of documents issued by the flag state attesting to compliance with international requirements. Every seafarer on board, and the number will vary by ship type, will have a seaman's document issued by the nation of registry. As the ship approaches the U.S., it will send an arrival notice to the U.S. Coast Guard and will contact an agent or, if the company is large enough, a company employee, to make the arrangements to have a state licensed pilot meet the ship to bring it in, arrange for U.S. Customs Service clearance, quarantine inspections, Immigration and Naturalization Service clearance and handle vendors and suppliers of goods for the ship. After picking up the pilot at the entrance to the port or harbor, the ship enters under the direction of the pilot who has the capability of a direct link with the harbor communications system that is separate from the ship's communications gear although he will use the ship's gear in most instances. The speed of the ship at this point will vary according to circumstances as directed by the pilot although in very few instances will this approach the full speed capability of the ship. In many harbors, the movements will be monitored by the vessel traffic system which

may be manned by government or private company personnel. As the ship nears the dock, tugs may be used to assist. Once along side, the activity of clearance begins. What is occurring now?

Present Actions

We see two aspects for concern relative to ships: problems emanating from within the vessel and outside actions directed at the ship. Although ship operators have more control over the first, we have comments on the roles of various participants involved in our ship operations.

- Ship operators should be aware of the potential for use of the ship as a mechanism of terrorist activity and take appropriate safeguards in foreign ports particularly the last foreign port of call and limiting access to personnel with ship's business. The operator should take special care in reviewing the seafarer documents of newly hired crew. At the dock in the U.S., or at anchor, the ship should maintain a watch at the waterside and report questionable activity to the Coast Guard. The master should limit access to the ship by personnel allowing only those who have business with the ship.
- Ship operators should comply with the U.S. Coast Guard's request that a crew list and a list of other persons on board be transmitted to the Coast Guard at least 96 hours before arrival at the U.S. (The current regulation, now under review for change, has a 24 hour timeframe.)
- American pilots should ensure that masters are fully aware of the intended track of the ship. The pilot should also consider maintaining separate communications with responsible shore personnel.
- Where VTS is presently operating, the VTS controllers should be vigilant about traffic being monitored/controlled and other traffic nearby.
- Agents, who are usually American companies, should review ship's documents closely for non-conformities and resolve issues prior to ship arrival.
- Ports/terminals should limit access to their facilities to only those persons having business with the facility and who can adequately identify themselves with photo identification. They should cooperate with the Master in limiting access to the ship. Ports/terminals and ships should agree on methods to accommodate crew changes and visits by vendors to Chandler the ship or effect necessary repairs.
- Lightering—We understand the lightering community has initiated some additional steps including adding a deck watch, exercising the piracy part of the ship's plan, keeping the radar active, more frequent patrols of the operator by small boat and maintaining communications with the Coast Guard.
- We are working with various government agencies and are encouraged with the cooperation among them. Last week, we addressed a problem and were able to talk directly to Customs and INS as the agencies had placed personnel in each other's offices. This coordination must continue as nationwide uniformity is necessary for the maritime industry to operate efficiently and safely. The Coast Guard, in addition to working with other federal agencies, should work with state and local governments and public and private terminals to ensure that regulations and requirements are uniform nationwide.

Mr. Chairman and Committee members, much of the above is maintaining a heightened awareness of the circumstances and ensuring that communication links are open and accessible. Some operations, such as a marine terminal at a refinery, may have additional safeguards. In any port/ship interface, there is a need for the knowledgeable persons to communicate with each other. We believe this is taking place at oil terminals.

In closing, we must make our industry secure and we must continue to operate. These goals are not incompatible.

This concludes by testimony. I would be pleased to answer any questions.

Senator BREAUX. Thank you, gentlemen.

Mr. Warrington, let us start with you.

Senator BREAUX. Mr. Warrington, you may have heard my questions in the beginning to Admiral Underwood with regard to the hypothetical I outlined. If someone leaving where we are today have to roll a large suitcase over to Union Station, purchase a tick-

et on an electronic ticket machine, and bring that luggage loaded with explosives onto an Amtrak passenger train, and then after placing it on the train, step off right before the train departs and have the unthinkable happen somewhere between here and New York, or whatever.

What steps have been taken to assure this is not a potential threat, or is it possible to guarantee that it never would be? What is different today than it was September 10 with regard to that type of a scenario, if anything?

Mr. WARRINGTON. Let me talk about all the checked baggage and carry-on baggage issues. First of all, the package which we have put together significantly increases both security, police presence, and technology and surveillance at all of our checked baggage facilities across the system. That includes the acquisition of hand-held explosive detection devices. This package includes the acquisition of 1,000 of those units at \$4,000 apiece, along with X-ray capability at all of our baggage facilities around the country.

In addition, those facilities and all of our mail and express facilities around the system will be patrolled with bomb-sniffing dogs. Across this system today we have eight dogs. This package includes the acquisition of 19 additional dogs and handlers for deployment across the system.

Senator BREAUX. Let me interrupt you on that point. Between here and New York, obviously you have a lot of stops, and a lot of people coming on and getting off. Is the concept to have baggage inspected at each stop where people come onto the train?

Mr. WARRINGTON. There is very little checked baggage, virtually no checked baggage on the Northeast Corridor itself. Most of it is carry-on baggage, and as Senator Cleland mentioned earlier, we have been engaged, prior to this incident, in discussions with the FAA about technology transference of on-board explosive detection devices and other hand-held devices that could be immediately installed in our equipment.

The technology is not quite proven, but we believe, and we have included in this package that we could and should move forward on that front. That is one of the most important things I think we need to do in order to deal with the concern that you raised this morning.

Senator BREAUX. Do you know of any other passenger train systems in other parts of the world which have a system where carry-on baggage is inspected?

Mr. WARRINGTON. There is a much bigger set of policy issues here as a matter of national transit and transportation security. Mr. Chairman, this has to do with the evolution over decades of encouraging the design of facilities and the operation of this entire transit system as an integrated mass transportation system. Inherent in that design, is facilitating the free flow of people on and off and to and from the entire network.

In Penn Station, New York, for example, Amtrak carries 30,000 passengers a day, but the Long Island Railroad and New Jersey Transit feed another 300,000 passengers through that facility. In addition there are transfers going on with tens of thousands of New York City Transit Authority subway passengers.

As a practical matter, the ability to gate, screen, metal-detect or technologically screen every package, suitcase, briefcase, and piece of luggage in an open facility like that, as a practical matter does not exist. If you look across the world, on all of the transit and high speed systems, including those in Israel, Germany and France, other than the Chunnel system between Paris and London, it is a very closed system for a whole host of reasons. The basic systems are open. There are varying degrees of either ad hoc or spot-checking, but it is very difficult to close the system.

If Amtrak were to choose to close the entire system, one of the difficulties we would confront is access by literally thousands of commuter trains and commuter customers with briefcases using the Amtrak system and in those Amtrak terminals, including the Metro system right here in Washington which feeds into Washington Union Station.

We have had discussions with the American Public Transit Association. In fact, we talked about this past Saturday night. They have put together a very important internal task force across the transit industry, and they have invited us to participate to deal with this important question.

Senator BREAU. Well, I guess what you are saying is that it is almost physically and humanly impossible to operate a closed system as you described it for passenger rail systems in this country.

Mr. WARRINGTON. I think that is the case, but there are a lot of things we could do and that we are doing today. With the package we have proposed, we believe it significantly minimizes the risk and the vulnerability about access of undesirables or undesirable packages or baggage on board the Amtrak system.

Senator BREAU. Thank you.

Mr. Hamberger, we are talking about federalizing the air traffic security system, inspection and security at airports, inspection of passengers boarding the airliners, and all departures in the United States.

The railroads are unique in the sense that their security has been the responsibility of the owners and operators of the rail system. Should that continue? What is the proper role of federal oversight? I mean, I think a lot of people are going to be saying, look, we are concerned about the railroads, and for them to say, well, we are doing it, do not worry about it, there wants to be a degree of knowledge that there is someone supervising what is being done. Can you comment on that?

Mr. HAMBERGER. Yes, sir. I think where we need to head would be to reach a protocol with the FRA or the Department of Transportation Security Office, or whatever would be the proper federal participant, that would say that when we get to certain levels of threats, however those would be defined, DEFCON 1 or 2, 3, 4, however they would go up, that there would be specific actions that the industry would take, that posting guards at a tunnel or bridge might be appropriate at one level of threat, but not in others.

So as the threat level increases, as the specificity and credibility of the threat increases, then the response would increase, and that is something that I think we need to be working toward with Admiral Underwood's Office to come up with a protocol that addresses

the threat and has a proper federal role in it, but yet leaves the responsibility of implementing it in the private sector.

Senator BREAU. Senator Hollings and I were talking about track interruptions, and his concern, I think, was how do you know when a track has been disrupted along the route. There is an electronic monitoring system, is there not?

Mr. HAMBERGER. Well, there is and there is not. There is an electronic signalling system, where there is an electric current that runs up one rail and comes back the other and completes the circuit, so that if there is a break in the rail it is detectable. There are many miles of track, generally in unsettled areas, where there is not a signalling system in place, what they call dark territory.

We are working right now at TTCI in Pueblo, Colorado on a fiber optic cable that could be strung along the rail all over the country that would detect even in dark areas if there is a rail break, but in urban areas, where a lot of the traffic is occurring, there is the electric system.

Senator BREAU. Is that system along the Amtrak tracks?

Mr. WARRINGTON. Mr. Chairman. First of all, in the Northeast Corridor we have a whole host of safeguards and protections built into the system, both the electrical system and the signal system, to stop a train literally in its tracks if it is a rogue train. That includes a whole number of items that I would rather not discuss here publicly, but we certainly do have that capability.

You should be aware also that every passenger train that we run across this system, every car has an emergency brake application, so a conductor in communication with an engineer that is in any kind of difficulty has the ability in every car of that train to immediately apply an emergency application.

In addition, on the Northeast Corridor we control remotely every signal and every switch that is operated on that railroad. The engineer does not choose his own route and remotely from a location in either Boston or New York or Philadelphia our power dispatchers and our trained dispatchers can display a slow approach, an approach or stop signal at any time that requires a train to come into conformance. If that train gets beyond that stop signal, the emergency braking system will automatically be triggered.

Senator BREAU. Thank you.

Mr. Crye, let us talk a little bit about ships, and passengers on board ships. Obviously, the ships that ply the seas, many of which originate in U.S. ports, carry literally thousands and thousands of passengers on board the ships, and I was pleased to hear the amount of an inspection that is now being done on the passengers that are boarding.

I have somewhat of a concern about the crew of the ships. Most of the crews, because they are foreign vessels, are foreign crew members, not citizens of the United States. How do you secure the fact that these foreign sailors and crew members are not suspected terrorists or in fact they are who they say they are, that they originate from where they say they are coming from? Simply, how do you go about security with regard to the crew members, which I take it are sometimes as large as the number of passengers on the ships themselves?

Mr. CRYE. Sir, that is a several-faceted question. Let me try to take each issue one by one. Number one, in the process of hiring for crew members for the membership of the International Council of Cruise Lines, we generally hire through recognized manning agencies. The recognized manning agencies are those that have been certified in many cases in compliance with ISO 9000, or who have a history of providing quality personnel.

There is a background check, or there are credential checks for criminal records, in local jurisdictions, and they also have to get U.S. visas in order to be able to enter the United States. The visa application process requires the certification of the individual that they are who they say they are, and that their background has been checked within the means of the local communities.

The cruise industry also has a practice of hiring people that have a tradition of hospitality, and a tradition of sea-going service. Many times the cruise industry has multigenerational families that have hired on and worked for the industry.

The lists of personnel on board the vessels, not only the passengers but the crew, are provided to the INS and to Customs, and now, in addition, it appears the Coast Guard wants all of those lists during and prior to the embarkation, or prior to the return of a ship to the United States port, and so we are providing those lists sometimes to three or four different agencies in the process of the vessel leaving a United States port or coming back to a United States port.

The INS is sharing a do-not-depart or prevent-departure list with the cruise industry, and we are checking the list of passengers and crew against those names, and we are also certifying back to the INS any people that have a name that appears to be questionable, and in addition, we provide them with a list of all the passengers and crew that are on board, they are checking those names also.

Senator BREAUX. Do you know, Mr. Crye, if Panama's maritime authority is one of the groups that supply employees for the cruise industry?

Mr. CRYE. The maritime authority?

Senator BREAUX. Yes, the AMP.

Mr. CRYE. I do not know, sir.

Senator BREAUX. The reason I ask is because an investigation into the corruption of Panama's maritime authority—I am reading from a document—in April of this year revealed the country is employing up to 1,000 unqualified sailors who are working under false documents. The scandal was uncovered when an official paid \$4,500 for a Panamanian first officer's license, despite having absolutely no qualifications or any shipping experience.

The reason I raise this is because of the importance of knowing? You are hiring mostly foreign crew members. I mean, if you are hiring them from Panama's maritime authority you do not know who they are.

Mr. CRYE. Mr. Chairman, I would tell you that we also had an incident in the United States very similar to that, where there were some documents that issued with United States credentials, so unlawful acts can occur anywhere, but I can tell you that my understanding is that the Government of Panama has undertaken

a wide-scale investigation to determine that everyone that they have issued documents to——

Senator BREAUX. It sounds like the investigation found out they have got one huge problem.

Mr. CRYE. Those types of issues you have several different means of being able to evaluate the crew members and who they are. You also have classifications——

Senator BREAUX. Is the ship checked beyond the fact that they have a sailor who wants to work on their ship who has a Panamanian work permit? I mean, do you not just accept that permit? You do not do any real checking further than that, do you?

Mr. CRYE. There is a real difference between officers' credentials and crew members' credentials, number one. The officers on board the ICCL member vessels are generally either Norwegian or U.K. Dutch or Greek or Italian. They may obtain an alternate licensure through a Government such as Panama, but these countries are our allies, the deck and engine officers are hired through the countries that have very strong national traditions.

Senator BREAUX. For the officers and engineers that run the ship, I understand that, but I am concerned about the thousands of individuals who work on the ship in a nonofficer, nonengineer capacity. How do we verify—not to be overly critical, but how do you verify who in the heck thousands of foreign sailors are carrying these passengers?

Mr. CRYE. Many of the cruise lines have training schools as well, and they hire through recognized manning agencies. When an individual comes to get a United States visa to work on board a cruise ship to be able to come to this country, they must certify they are who they say they are and show identification.

Senator BREAUX. I am sure they are always certified that whatever it takes to get on the ship.

Mr. CRYE. There is also—as you know, no system is completely fail-safe, and I think that the practices and procedures that the cruise industry employs has various mechanisms to determine and to ensure that the people are who they say they are.

Senator BREAUX. Well, I really would like to further explore that. Now is not the time to do it, but there has got to be some kind of verification of the name in the passport and the fact that they are not on some suspected list of potential terrorists, or what-have-you, because that is an awful lot of people on each ship that we ought to be concerned about who they are.

Mr. CRYE. Senator, through employment records you have a history of an individual, whether they are reliable employees, whether they are doing the job that they are supposed to be doing, there are 100 percent checks that the people who are on board the vessel are who they say they are, so I believe we have taken a lot of measures to ensure the identity of the passengers as well as the crew on board the vessels.

Senator BREAUX. Thank you.

Mr. Cox, what is the biggest threat to the carriers that you have to deal with? I mean, if you have got an LNG vessel or the VLCC crude carrier, is the biggest threat at sea, is the biggest threat in the harbor, or is the biggest threat an internal threat or is it an external threat to the security of that ship?

Mr. COX. Mr. Chairman, it is a personal opinion of mine—CSA's Committee is meeting next week, and we will put together responses to these types of questions, but listening to what was testified to today, and the questions from your colleagues on the Subcommittee, I think that from a vessel standpoint what we should worry about in the United States perhaps as the first question is would a vessel be used to interdict the transportation infrastructure of the United States? Could a ship be used to block Long Beach Harbor? Could it be used to block the Mississippi River or the Port of Houston?

I think that there are instances in the past where this has happened. From a commercial standpoint there has actually been a legitimate problem on board a ship that caused it to block the channel. A recent occurrence just this year was in the Port of Lake Charles, where a ship sunk and actually blocked access to St. Charles for a number of months.

Senator BREAU. Tell me about it!

Mr. COX. I did not mean to hit home on that too much, but it is certainly an indication of what can happen, but I think from the standpoint of terrorist activity, that is an interdiction of transportation mechanism, and therefore an attack on our economic structure.

Senator BREAU. So in the harbor activities, it is potentially vulnerable, as opposed to being in the open sea?

Mr. COX. I think if someone were to take some action with respect to a vessel, that harbor entrances and the way into the harbor would be where the action could be taken which would truly damage the transportation in that particular port.

Senator BREAU. Are you satisfied with the Coast Guard's assistance in keeping nonapproved vessels away from your carriers while they are either in the harbor or exiting or coming into a harbor? That is a problem where our military vessel was in the harbor and they just ran a boat loaded with dynamite right into it—that was a military vessel—and killed a number of sailors, but are we protected enough, and are they off-limits for other vessels coming around a supertanker or an LNG carrier, for instance?

Mr. COX. Well, certainly I think there are two levels of protection there that we have to key in on. One is the vigilance of the vessel itself, and I must admit that on September 10 we probably would not have thought of many of these questions, but ships have those questions now, and we certainly think they ought to be vigilant and report any activity close to their vessel which they feel looks anywhere near questionable.

The Coast Guard has instituted some port security measures and patrolling the harbors. I cannot comment on the efficacy of that. They are certainly operating with a knowledge base on security that we in the commercial industry do not possess.

At the same time, I am concerned that the Coast Guard is taking those assets from the other things they are supposed to be doing, and if we do not think about how we have to plus-up the Coast Guard to perform these actions, then we are going to lose the coverage in some other areas.

Mr. Chairman, if I might talk about the new issue that you were talking with my colleague Mr. Crye about, we have those same concerns, of course.

Senator BREAU. You have much smaller crews.

Mr. COX. But we have the exact same concerns, and that is the person presenting themselves to us as a qualified crew member indeed qualified, and today we have an additional question, is that person presenting themselves as a sailor when they are not, they are actually something else?

I think we have too—the reason I wanted to say something is we have another mechanism check available to us, and that is that the officers and the unlicensed crew on a cargo ship all have to have documentation from the flag state, that is, the country whose flag is on the stern of that ship that they are qualified seafarers, and the standards of training certification and watch-keeping international treaty will come into force in February of 2002 in a new, more direct way with respect to the qualification of those people.

The United States certainly has the opportunity and can probably do so today, to check back with those flag states with our list of crew members, so not only are we using the crew lists and getting it over to the FBI and INS and Customs, we are taking a look and seeing if we are getting some truly bad actors coming in on ships, but we have an opportunity to double check with the flag states.

Senator BREAU. Well, be careful when you are dealing with Panamanians.

Mr. COX. Mr. Chairman, I think that every shipowner has to be extremely concerned with fraudulent certificates, and I would agree with you that if someone has shown that there are some improprieties with regard to their processes, then I think it is incumbent upon them to prove that their processes have been patrolled.

Senator BREAU. Senator Smith.

Senator SMITH. Mr. Cox, to follow up on Senator Breau's question, the report he read with respect to corruption and the operation of the Panama Canal, has that affected your ability to operate through that passageway?

Mr. COX. Senator, I think the safety and security of the Panama Canal of course now is under the control of the Panamanian Government. I think from a U.S. vessel's standpoint there is substantially less usage of the Canal than perhaps in the past, mainly because the ships that carry international trade have gotten so large that they cannot pass through the canal, so virtually—I should not say all, but much of our trade is coming in on very large container ships which come into the West Coast, and if there is a necessity to move those containers, then they are probably done by train.

On the tanker side, the tankers are certainly much too large to go through the Canal, and because of the structure of oil distribution within the United States, fortunately we have an Alaska, where we can serve our West Coast, and we have importation of foreign oil into the Gulf of Mexico and on the East Coast, so there is very little through the Panama Canal.

Senator SMITH. That would not be true of the cruise ship business though, would it, Mr. Crye?

Mr. CRYE. No, sir. We transit the canal quite a bit, seasonally more than anything else in the fall and in the spring. Our experience with the Panama Canal is that it is being operated very efficiently, and they are making infrastructure improvements.

I think Senator Breaux's question was with respect to licensure, a licensure issue, or a documentation issue for certain documents.

Senator SMITH. But it did highlight some corruption, and I wonder if it affects how you have to operate there.

Mr. CRYE. Any time you operate internationally, any time you operate with various Governments you must make sure that you are being prudent and that you are taking every measure to safeguard your passengers and your crew, so it is incumbent on the vessel owners to make sure that their ships are being operated safely.

Senator SMITH. Thank you.

Mr. Warrington, you are requesting over \$3 billion of emergency needs for Amtrak, and I wonder how many items that involves? How many emergency needs are there within this request? Is it hundreds, or is it just a few?

Mr. WARRINGTON. There are literally hundreds of elements in this package, and I could summarize them in a couple of ways. The first is effectively dealing with the tunnel complexes, particularly New York, Baltimore and Washington. The largest one and the most longstanding problem area are the six tunnels leading under the Hudson and East Rivers. There are four tunnels under the East River, two tunnels under the Hudson River, and the entire complex itself at ground level, which requires ventilation standpipes and the like.

Senator SMITH. Is it fair to say a third of your request is for these?

Mr. WARRINGTON. Just for the tunnels, that is right.

Senator SMITH. How long have these been identified as a problem, a security problem?

Mr. WARRINGTON. Frankly, for decades.

Senator SMITH. And has anything been done to address this nearly \$1 billion need?

Mr. WARRINGTON. Frankly, I will tell you, Senator, when I was with New Jersey Transit in the mid 1980's, the tunnel into and out of New York's Penn Station were identified as a set of issues that needed to be dealt with. The difficulty has always been access to capital. Unlike equipment, you cannot finance these types of investments.

Senator SMITH. Does the \$1 billion you need for the tunnels represent your 20 percent usage of these tunnels?

Mr. WARRINGTON. No. As the owner of the asset and in the end the responsible party and the liable party for that asset and its operations, this dollar amount equals the complete value of the investment.

Senator SMITH. I guess I am uncertain, then, why we are not sharing some of this cost with other railroads, that use these tunnels, specifically Long Island and New Jersey Transit.

Mr. WARRINGTON. Historically we have cost shared with the Long Island Railroad, not with New Jersey Transit. There may be some room there for that kind of discussion, but frankly—

Senator SMITH. But your use is only 20 percent.

Mr. WARRINGTON. We use about 20 percent of the existing capacity.

Senator SMITH. But the taxpayers are asked to pay 100 percent.

Mr. WARRINGTON. We manage this entire asset, Senator, this entire asset, as a matter of national interest, across the entire region, from Washington to Boston.

Senator SMITH. I am not saying it is not a national problem, but I am wondering, as an Oregon Senator, is there anything in this \$3 billion for Oregon?

Mr. WARRINGTON. Absolutely. Let me try to deal with this question.

Senator SMITH. In the spirit of Senator Hutchison's earlier questions, look, I want to help, but I also know that you are using 20 percent of these tunnels, and we are being asked to pay for 100 percent, and it is all Northeast Corridor, and I am all for the Northeast Corridor. I just wonder if there is anything in this for the rest of the nation.

Mr. WARRINGTON. And we should do a better job of breaking that out for all Members of the Committee, because a significant portion of the security investment extends across the entire system. I will tell you that included within this package is about \$500 million for equipment overhauls and acquisition of new equipment. Now, we have not made the decision about where that equipment should be acquired for. It is conceivable some of it would be on the Northeast Corridor. It is conceivable some of it would be, for example on the Cascades Corridor out West. Some of it could be based upon our booking demand right now for acquisition of new long distance sleeper cars and dormitory-type cars.

That decision about which equipment, when and where, is premature to make right now. What this package includes enables us to have the flexibility to be able to move rapidly when we understand where this market is going and where the demand is clearly sustained.

I will tell you our most extraordinary growth corridor across the system, as you well know, is in Oregon and Washington, in our Cascades Corridor. We have a terrific partnership with BNSF and the states there.

I will tell you as well, and I meant to mention this to Senator Hutchison, that on the Northeast Corridor 34 of our 134 long distance Amtrak trains originate or end in Washington or New York, but are destined for points all around this country. They traverse the Northeast Corridor every day enroute to or from Chicago, Florida, and New Orleans.

So I will tell you that while the physical investment occurs in the Northeast Corridor and in a complex like Penn Station, New York, the benefit associated with the security, the benefit associated with the safety, and the benefit associated with the capacity and reliability extends far beyond that Northeast Corridor operation to many of our long distance trains across this network.

Senator SMITH. But if September 11 had not occurred, what would have been done about these emergencies?

Mr. WARRINGTON. I would have been muddling through inadequately, and what we have been doing on these tunnels is collec-

tively over the past 5 or 6 years \$161 million, so frankly we have elevated this as a matter of policy discussion every year. In fact, Chairman Wolf on the House Appropriations Committee last year, and Ken Mead, the U.S. DOT Inspector General, have elevated this as a major concern. But Senator, frankly, we have never been capitalized to do it right.

Senator SMITH. What do you think is the life of these assets if we do not respond to this emergency, the life of the tunnels?

Mr. WARRINGTON. Well, the tunnels themselves are structurally sound and secure. The difficulty here is that in the event of an incident, whether it is sabotage, terrorism, or other related incident like an equipment fire, egress, access, lighting, communication, and ventilation of smoke is difficult, if not impossible to fully secure today.

Senator SMITH. Thank you, Mr. Chairman.

Senator BREAUX. Gentlemen, thank you. Thank you, Senator. Thank you very much for being on our panel. There may be some followup which we would submit from Members who are not here, but with that, this will conclude this hearing, and thank you for being with us.

The Subcommittee stands adjourned.

[Whereupon, at 12:45 p.m., the Subcommittee adjourned.]

Appendix

PREPARED STATEMENT OF EDMUND B. WELCH, LEGISLATIVE DIRECTOR,
PASSENGER VESSEL ASSOCIATION

The Passenger Vessel Association the national trade association representing U.S.-flag passenger vessels of all types—submits this statement for the record to the Senate Committee on Commerce, Science and Transportation on the subject on maritime security.

Security of terminals, vessels, and passengers and vehicles on board has always been of concern to the U.S.-flag passenger vessel fleet, but the terrorist attacks of September 11 have prompted our Association and its members to examine this problem as never before.

U.S. routes, U.S. crew, U.S. owners

Virtually all of the crew members of U.S.-flag passenger vessels are U.S. citizens. Section 8103(b) of Title 46, United States Code, requires that a seaman aboard a U.S.-flag vessel must be a U.S. citizen or (to a limited extent) an alien lawfully admitted for permanent residence. Section 8103(a) of Title 46 requires that the master, chief engineer, radio officer, and officer in charge of a deck watch or engineering watch must all be U.S. citizens.

Nearly every U.S.-flag passenger vessel is eligible to participate in the U.S. coastwise trades. As a result, the owner must be a U.S. citizen. If the owner is a corporation, then 75 percent of the stock must be held by U.S. citizens.

The vast majority of itineraries of U.S.-flag passenger vessels occur entirely in domestic waters. Only a very few vessels sail on international voyages, nearly all to Canada or Mexico.

Finally, a large percentage of vessels in the domestic fleet have a “single point” of departure and arrival (that is, the vessel departs and arrives at the same facility, without intervening stops). This creates a much easier security environment than if a vessel travels from one port to one or more additional ports.

Thus, the first line of security for the U.S.—flag passenger vessel industry is the fact that the vessels are U.S.-manned and U.S.-owned and that they sail predominantly within U.S. navigable waters.

Diversity within the U.S.-Flag Passenger Fleet

Within the U.S.-flag passenger fleet, there exists a wide range of vessel types, sizes, and functions.

Overnight cruise ships range from large vessels accommodating 1,000 or more passengers in Hawaii to smaller vessels carrying from 50 to 225 passengers in Alaska, the Pacific Northwest, the Atlantic Coast, the Great Lakes, and on inland rivers.

Ferries of all sizes serve urban areas, remote islands, and river crossings. The ferry vessel may take from only a few minutes to more than a day to traverse its route. The vessel may accommodate passengers only or both passengers and vehicles.

Hundreds of vessels offer sightseeing, excursion, or dinner cruises. Windjammers attract passengers eager to experience a traditional sailing vessel. Numerous operators offer whalewatching excursions or other types of eco-tourism. Gaming vessels, particularly on inland lakes and rivers, attract customers to this form of recreation.

In some instances, a vessel may engage in more than one function. For example, a vessel may operate as a ferry during the work week and offer whalewatching cruises on the weekend.

This staggering diversity within the U.S.-flag passenger fleet means that there can be no one-size-fits-all approach to security. Nor is it correct to assume that measures that may be necessary for a foreign-flagged, foreign-crewed cruise ship carrying thousands of passengers departing a U.S. port for foreign destinations are appropriate for U.S. flagged passenger vessels of different types routes and sizes.

What We Are Doing

Immediately after the terrorist attacks, the Passenger Vessel Association took steps to urge and assist its members to evaluate and improve security in their operations.

PVA had previously provided to its members a document entitled *PVA Bomb Threat Guidelines* advising a vessel operator how to respond to a bomb threat. By electronic communication, PVA reminded members about this tool. To ensure that all members had it, we distributed it again. PVA told the Coast Guard that we would make this document available to any passenger vessel operator, not just to PVA members.

On September 12, PVA arranged for an initial conference call on security matters between Coast Guard Headquarters officials, PVA staff, and individuals representing approximately two dozen PVA companies. The call enabled the Coast Guard to communicate its concerns about security in passenger vessel operations and allowed vessel operators nationwide to share their security questions and procedures with one another and the Coast Guard.

Subsequently, Coast Guard officials and PVA staff have been conducting regular conference calls to review the implementation of security measures within the industry and to address any problem areas that may arise in specific locations.

PVA has distributed three Special Member Updates on Security electronically and by fax, the first on September 12. They emphasize steps PVA operators should consider to enhance security. Copies are enclosed as a part of this statement.

Each year, PVA conducts regional meetings. This year, PVA will include a security seminar and discussion at each of its five regional meetings. The first of these meetings, the Western Region, conducted its meeting on September 28–29 in Portland, Oregon with over 100 attendees. The other four meetings, each with a security presentation, will occur between now and the end of November.

PVA intends to take the information and knowledge obtained from its conference calls with the Coast Guard and from the security sessions at the five regional meetings and develop a PVA Security Guidelines document (similar to the PVA Bomb Threat Guidelines).

The program at PVA's Annual Convention in February 2002 in Biloxi will feature one or more presentations on security matters.

Legislation

PVA notes that S. 1214, the Port and Maritime Security Act, authorizes loan guarantees and grants to enhance security at seaports. Many PVA members operate from seaports within the purview of S. 1214, and many of them have their own terminal and shoreside facilities. We believe that S. 1214 would permit these members to seek such loan guarantees and grants to enhance their security by the installation of fencing, lighting, alarms, cameras, scanners, and the like. We recommend that the Senate confirm this understanding as it develops its legislative history on the bill.

Special Circumstances

In at least three metropolitan areas—New York, Baltimore, and Washington, D.C.—PVA operators have incurred substantial economic losses due to Coast Guard-imposed security measures. These losses flow directly from Coast Guard orders. In each of these jurisdictions, the Captain of the Port closed the waterways to all vessel traffic for a period of as much as a week. Thus, operators of dinner cruises, sight-seeing vessels, and others were prevented from conducting their business by government order. PVA does not take issue with the action of the Coast Guard, but we believe that these operators should be compensated for their losses. These operators are in exactly the same situation as the commercial airline companies; a specific government order prevented them from doing business. We ask that Congress acknowledge that these private entities—several of them small businesses—should not have to absorb these costs that were incurred as a direct result of a government order for a public benefit.

Conclusion

- The Passenger Vessel Association continues to act affirmatively in cooperate with the Coast Guard to ensure the highest level of security for U.S.-flag passenger vessels and their terminals.
- Our industry's characteristics of U.S. owners, U.S.-citizen crews, and U.S. routes is a good foundation on which additional security measures may be taken.

- Because of the diversity of vessel types, sizes, and uses within this industry, there can be no one-size-fits-all application of security measures.
- We hope that Congress will approve Seaport Security legislation that makes domestic passenger vessel operators eligible for loan guarantees and grants to enhance security and will also recognize that compensation is appropriate for U.S.-flag passenger vessel operators who could not operate their businesses because of Coast Guard-ordered closures of specific waterways.

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Friday, September 28, 2001

Special PVA Member Update

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PVA and Coast Guard Confer on Security

On September 21, and again on the 24th, PVA staff conducted conference calls with the Coast Guard which included key Coast Guard officials from the Washington D.C. headquarters, the Atlantic Area command, and the Pacific Area command to discuss heightened security aboard U.S.-flag passenger vessels.

These calls were very successful in that they established a solid communication channel for PVA and the Coast Guard to discuss current nationwide security issues and to demonstrate that PVA members are actively implementing appropriate heightened security measures aboard vessels and at terminals.

Over the past several weeks, PVA members have expressed some concern that they have received mixed or confusing messages from Captains of the Port (COTP) regarding specific security initiatives in their ports has raised an alarm. It appeared that many Captains of the Port (COTP) around the country were receiving mixed signals or even misinterpreting the directives emanating from Coast Guard headquarters in Washington D.C. and the Area commands.

The conference calls confirmed that the COTP's were being given wide latitude to assess imminent security threats and then to implement immediate security measures for passenger vessels in ports throughout the country. While COTP's were given this broad authority, confusion was created because, in some cases, the directives did not require or dictate any specific security measures.

PVA pointed out that where there was early Coast Guard communication or consultation, PVA members felt that they were included in the decisions concerning heightened security and therefore, felt that the resulting Coast Guard security directives were for the most appropriate, effective and efficient. Where the Coast Guard acted unilaterally, many of the security directives increased security-related activity but did very little in terms of actually improving security.

PVA reinforced its position that early consultation is appropriate and follow up communication between PVA and the Coast Guard is essential to ensure that the goal of thwarting potential terrorist acts is achieved. The Coast Guard agrees with this opinion.

If you feel that the Coast Guard has imposed security measures that are inappropriate for your operation or that can be accomplished by other means, please notify your local Coast Guard COTP.

Also, please contact PVA at 1-800-807-8360 if you have any security-related questions or need assistance of any kind.

We wish to commend the PVA members throughout the country who are working hard to enhance security measures aboard their vessels and, in turn, contributing to the protection the traveling public and the nation's transportation infrastructure. PVA has stressed the need for the Federal Government to provide security training and other security resources to the passenger vessel industry if it wishes to adequately and effectively improve security.

Photo ID checks, package inspection, manifests and employing armed guards are just a few of the measures that the Coast Guard has considered mandating. All of

these measures could be appropriate in specific situations but they are not universal in their effectiveness or employability. Following are some examples:

- Photo ID checks that have no security aspect required for issuance provide no terrorism deterrent.
- Presentation of IDs without reference to some list of identified or suspected persons is also non-productive.
- Examination of packages without trained personnel and some description of material prohibited would seem to be without purpose.
- Lacking authority to prohibit or seize property would make the examination of packages meaningless and potentially confrontational.
- Manifests are not practical in mass transit or any service that relies on walk up or spontaneous decision customers.
- The use of armed guards may introduce other safety issues and focuses on response rather than prevention.

A special seminar on security issues will be held this week during the PVA Western Region Meeting in Portland, Oregon, and similar sessions will be held at subsequent PVA region meeting this year. Information gathered from these interactive seminars will be used to develop a new training manual on security for member use.

For a complete schedule and program/registration materials for all upcoming PVA region meetings, access the PVA web site: www.passengervessel.com, or call PVA at 1-800-807-8360.

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PVA Members Heighten Security Measures

In the aftermath of the terrorist attacks on the World Trade Center, the Pentagon, and U.S. airliners, security issues are of utmost concern to everyone, including the domestic passenger vessel industry.

The Passenger Vessel Association is applying its resources to help its members meet the security challenges facing them. On Wednesday, September 12, PVA sent out a **Special Member Update** on security and followed that on Friday, September 14 with another **Special Member Update** to vessel members reminding them of the usefulness of the **PVA Bomb Threat Guidelines**. A member in New Jersey experienced an actual bomb threat the day after he received and reviewed the **PVA Bomb Threat Guidelines**. He reported that the document was invaluable in helping his people respond to the bomb threat. As a reminder, the **PVA Bomb Threat Guidelines** is found in your **PVA Risk Management Manual** (the blue manual), on the PVA web site: www.passengervessel.com or you can contact PVA Headquarters at 1-800-807-8360 to request that a copy be sent to you by email or fax. The **PVA Bomb Threat Guidelines** is another membership benefit that was produced by PVA volunteers and staff and that is free to PVA members.

PVA/Coast Guard Conference Call on Vessel Security

On September 12, over 20 individuals from PVA member companies participated in a conference call with staff of Coast Guard Headquarters in Washington, D.C., to "compare notes" as to what their companies were doing to respond to the need for increased security.

What You Can Do . . .

The following checklist summarizes security issues discussed during the conference call. We strongly recommend that you refer to this outline in reviewing your own security measures.

Restricted Access to Pilot House

- Only authorized employees should be permitted into the pilothouse.
- There should be signage posted at appropriate places emphasizing that the pilothouse is off limits to passengers.

- There should be a strong door and secure lock at the pilothouse entrance.
- The vessel operator should consider a policy of requiring that the pilothouse door be locked while the vessel is underway and/or at the dock.

Restricted Access to Engine Room

- Only authorized employees should be permitted into the engine room.
- There should be signage posted at appropriate places emphasizing that the engine room is off limits to passengers.
- There should be a strong door and secure lock at the engine room entrance.
- The vessel operator should consider a policy of requiring that the engine room house door be locked while the vessel is underway and/or at the dock.

Communications Equipment

- The vessel operator should regularly check the vessel's radio and other communications equipment to ensure that it is in working order.
- The operator should consider the advisability of providing the captain and the crew with one or more cell phones for emergency communication.
- There should be in the pilothouse a list of appropriate phone numbers to be contacted in the event of an emergency (owner, terminal, Coast Guard, harbormaster, police, fire department, emergency health responder, etc.)

Access to Terminal and Landside Facilities

- Secure fencing should surround the premises.
- Public access should be directed through specified points.
- The facilities should be locked when vessel operations are not taking place.
- The operator should evaluate the need for 24-hour security measures, including (where appropriate) guards or watchmen, security cameras, adequate lighting, and alarms.
- Certain areas should be off limits to all but appropriate employees, and measures should be taken to ensure such limited access.

Identification of Passengers

- The vessel operator should evaluate the need for requiring passengers to display photo ID in their operation.

Inspection of Parcels, Baggage

- The vessel operator should evaluate the need for either spot-checking the contents of carry-on or checked baggage (Note: Coast Guard officials in some ports are requiring either spot-checks of baggage; in some locations, they are requiring that all baggage and carry-on items be checked).

Inspection of Vessels

- For car ferries, the operator should evaluate the need for spot-checks or complete checks of vessels to be carried on board.

Sweeps of Vessel and/or Terminal Facilities

- The vessel operator should consider the need for personnel to "sweep" the vessel for suspicious items prior to and after each voyage. Similarly, the operator should evaluate the need for regular "sweeps" of docks, terminals, fuel farms, etc.

Increase Presence of Local Law Enforcement Officials

- The vessel operator may wish to request that local police "step up" their patrols in the vicinity of landside operations.

Review of Vessel Route

- The vessel operator should review routes followed by the vessel to determine what facilities or other infrastructure along the way might be of special risk to the public if the vessel were to strike them.

General Alertness

- Every operator should evaluate security risks and exposure and then review the company contingency plans. Take advantage of resources such as the **PVA Risk Guide** found on the Coast Guard's web site: www.uscg.mil/hg/q-m/risk (under "Activities") or on PVA's web site: www.passengervessel.com.

- The vessel operator should emphasize to all employees that security is of high priority. All employees should be vigilant for anything or anyone that arouses suspicion and should report such observations to their superiors. The operator should establish policies regarding the acceptance of packages from those unfamiliar to the employees.

If you have any questions, please contact PVA at 1-800-807-8360 or send an email to pva@vesselalliance.com.

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Important Message on Passenger Vessel Security

The Passenger Vessel Association is sending this Special PVA Member Update regarding security concerns arising from yesterday's terrorist attacks. PVA is in direct contact with Coast Guard Headquarters in Washington, D.C. about efforts by the domestic passenger vessel industry to address security issues.

U.S. Secretary of Transportation Norman Mineta has ordered that a heightened degree of security be put in place for all modes of transportation nationally, including marine transportation.

Coast Guard Headquarters in Washington has instructed each Captain of the Port that he or she has discretionary authority to assume control of or direct vessel navigation in areas of their responsibility. Therefore, you may hear directly from your local Captain of the Port about any necessary instructions.

Certain portions of the Code of Federal Regulations may provide guidance for vessel and terminal security. Title 33 CFR Section 120 addresses security issues on certain passenger vessels over 100 gross tons, but it also may provide a useful reference for any passenger vessel operator. Title 33 CFR Section 128 addresses security regulations for marine terminals.

PVA recommends that each member company review:

- PVA guideline entitled "Bomb Threats". This guideline is located in your blue PVA Risk Management Manual. If you do not have this, please contact PVA;
- All of your company's contingency plans. For assistance in writing one, please see the "Contingency Planning Guide", again, located in your blue PVA Risk Management Manual;
- Your company policy on ensuring Pilot House security;
- Your company policy on ensuring engine room security for both manned and unmanned engine rooms;
- Your company's passenger boarding policy;
- Your company's policy on loading passenger luggage, cargo, and unattended or attended vehicles, and the passengers in them;
- Your company's policy on inspection of all docking facilities. Please ensure that the vessel's docking or lay-up area has an unobstructed view and cannot be approached by unauthorized personnel;
- Your vessels' communications and navigation equipment to ensure that it is in proper working order.

The Passenger Vessel Association recognizes that our nation is facing an extraordinary challenge. We will work closely with the Coast Guard to ensure that our vessels, passengers, harbors, and waterways are safe. If you have any questions, please contact us at 1-800-807-8360 or pva@vesselalliance.com.